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1 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 118 (AT)

5 MILES GUO,

6 Defendant.

Trial

7 -----x

New York, N.Y.

May 24, 2024

10:15 a.m.

8 Before:

9
10 HON. ANALISA TORRES,

District Judge

-and a Jury-

11
12 APPEARANCES

13 DAMIAN WILLIAMS

14 United States Attorney for the
Southern District of New York

15 BY: MICAH F. FERGENSON

RYAN B. FINKEL

16 JUSTIN HORTON

JULIANA N. MURRAY

17 Assistant United States Attorneys

18 SABRINA P. SHROFF

Attorney for Defendant

19 PRYOR CASHMAN LLP

Attorneys for Defendant

20 BY: SIDHARDHA KAMARAJU

21 MATTHEW BARKAN

22 ALSTON & BIRD LLP

Attorneys for Defendant

23 BY: E. SCOTT SCHIRICK

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1 ALSO PRESENT:
Isabel Loftus, Paralegal Specialist, USAO
2 Michael Gartland, Paralegal Specialist, USAO
Geoffrey Mearns, Paralegal Specialist, USAO
3 Robert Stout, Special Agent, FBI
Ruben Montilla, Defense Paralegal
4 Tuo Huang, Interpreter (Mandarin)
Shi Feng, Interpreter (Mandarin)
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1 (A jury of 12 and six alternates was duly impaneled
2 and sworn)

3 THE COURT: Counsel, would you approach, please.

4 (At the sidebar)

5 THE COURT: Who's opening for the government?

6 MR. FERGENSON: I am, your Honor.

7 THE COURT: And for the defense.

8 MS. SHROFF: I am.

9 THE COURT: All right. You may step back.

10 MS. SHROFF: Thank you.

11 (In open court)

12 THE COURT: Good morning.

13 THE JURORS: Good morning.

14 THE COURT: Members of the jury, the case is
15 officially on trial, and you are the jurors in the case. As
16 you can see, the jury is composed of 12 members. In addition,
17 there are six alternates. If you are an alternate, you need to
18 pay as close attention to the evidence as the jury. If for any
19 reason any one of the members of the jury is unable to serve,
20 an alternate will be required to step into the place of that
21 juror.

22 I now will give you some preliminary instructions to
23 guide you in your participation in the trial.

24 The second part of the trial is about to start. This
25 part is the opening statement by the prosecution. In the

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1 opening statement by the government, he's required to indicate
2 to you what the prosecution intends to prove by way of evidence
3 to support the charges against the defendant. Once the
4 government's opening statement has been completed, defense
5 counsel has the option to make an opening statement.

6 Now what attorneys say in an opening statement is not
7 evidence. An opening statement is, in a sense, a preview of
8 what the attorney expects that the evidence will show.

9 Next, the government will present a witness and will
10 ask the witness questions. This is called direct examination.
11 Once the government completes those questions, the defense will
12 then be given an opportunity to question the witness. This is
13 called cross-examination. This process will continue for each
14 witness the prosecution will present to give testimony.

15 When the government finishes calling all of its
16 witnesses, the defense will be given the opportunity to present
17 witnesses also. Remember, the defense need not prove anything.
18 Therefore, they do not have to cross-examine the government's
19 witnesses or offer their own witnesses.

20 Once both sides have finished presenting witnesses,
21 the defense and the prosecution will be given the opportunity
22 to make closing remarks to you. These closing arguments will
23 not be evidence. They are just arguments made by the attorneys
24 to discuss the facts and circumstances in the case, and they
25 should be confined to the evidence and to reasonable inferences

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1 to be drawn from the evidence. So again, neither opening
2 statements nor closing remarks are evidence, and you should
3 disregard any statement or argument made by the attorney that
4 is not based on the evidence.

5 After closing arguments, I will give you detailed
6 instructions on the law that relates to this particular case.
7 When I finish my instructions, you will then retire to
8 deliberate to reach a verdict.

9 Now I'm going to instruct you on evidence. First let
10 me tell you what evidence is.

11 Basically, evidence consists of oral testimony under
12 oath, any stipulations of the parties, and physical exhibits
13 during the trial that are introduced by either the prosecution
14 or the defense and allowed into evidence. If an exhibit is
15 given to you to examine, you should examine it carefully,
16 individually, and without comment.

17 There are two types of evidence—direct and
18 circumstantial. Direct evidence is direct proof of a fact such
19 as testimony of an eyewitness. Circumstantial evidence is
20 proof of facts from which you may infer or conclude that other
21 facts exist. There's a simple example of circumstantial
22 evidence that is often used in this courthouse. Assume that
23 when you came into the courthouse this morning, the sun was
24 shining and it was a nice day. Assume that the courtroom
25 shades were down and you could not look outside. As you were

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1 sitting here, someone walked in with an umbrella that was
2 dripping wet. Then a few minutes later, another person also
3 entered with a wet umbrella. Now you cannot look outside the
4 courtroom and you cannot see whether or not it is raining, so
5 you have no direct evidence of that fact, but on the
6 combination of facts that I have asked you to assume, it would
7 be reasonable and logical for you to conclude that it had been
8 raining. That is all there is to circumstantial evidence. You
9 infer, on the basis of reason and experience and common sense,
10 from one established fact the existence or nonexistence of some
11 other fact.

12 Not all circumstantial evidence presents clear,
13 compelling inference. The strength of the inferences arising
14 from circumstantial evidence is for you to decide. I will give
15 you further instructions on these as well as other matters at
16 the end of the case, but have in mind that you may consider
17 both kinds of evidence.

18 If you're instructed that some evidence is received
19 for a limited purpose only, you must follow that instruction.

20 Questions asked by either attorney or even myself are
21 not in and of themselves evidence. Only questions coupled with
22 answers are evidence. Therefore, you may not infer any fact
23 from the mere asking of a question. The reason that I point
24 this out to you is simple. During the course of questioning,
25 the prosecution and the defense may exercise their right to

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1 object to the other's question, to an answer given to a
2 question, or to introduction of an exhibit on the ground that
3 the attorney believes it is somehow legally improper or
4 inadmissible. At that point I will sustain or overrule the
5 objection. If I sustain an objection to a question, you must
6 disregard the question and any answer, if one has been given.
7 You must also draw no inference from the question or from any
8 answer. Nor are you to speculate as to what the witness would
9 have said if permitted to answer.

10 Evidence stricken from the record must likewise be
11 disregarded.

12 Conversely, if I overrule the objection, the question
13 will be allowed and the answer will stand, and it remains as
14 evidence. When I overrule an objection to any evidence, you
15 must not give such evidence any more weight than if the
16 objection had not been made.

17 Please bear in mind that my rulings on the law are
18 simply that, and under no circumstance are such rulings to be
19 considered by you as indicating that I have any opinion as to
20 the guilt or innocence of the defendant. Under our law, the
21 judge may not and will not entertain any opinion as to the
22 guilt or innocence of the accused. Members of the jury, you
23 and you alone are the sole and exclusive judges of the facts.

24 Now I want you to understand that objections may come
25 rather quickly, and at times either party may seem worried.

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1 Please do not resent this or penalize either party for this.
2 Understand that they are just doing their job and this is part
3 of it.

4 As I stated at the beginning, you are the triers of
5 fact. Therefore, it is up to you to decide which witness to
6 believe and which witness not to believe. Furthermore, you
7 will decide how much of every witness's testimony to accept and
8 how much to reject.

9 How do you decide what to believe and what not to
10 believe? Listen to the witnesses, watch them, and observe
11 them, then decide whether you believe or disbelieve them in the
12 same way that you decide such questions in your everyday life.
13 Did they know what they were talking about? Were they candid,
14 honest, open, and truthful? Do they have a reason to falsify,
15 exaggerate, or distort their testimony? Just use your common
16 sense in evaluating all testimony. All that is asked of you is
17 that you apply the same common sense you would apply in your
18 everyday lives to determine who is telling you the truth, who
19 is not, and who is telling you something less than the full
20 truth.

21 Please remember that it is the quality of the evidence
22 that controls, not the quantity of the evidence, or the number
23 of witnesses called by either side.

24 You must decide the case solely on the evidence and
25 law before you, and must not be influenced by any personal

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1 likes or dislikes, opinions, prejudices, sympathy, or biases,
2 including unconscious bias. Unconscious or implicit biases are
3 stereotypes, attitudes, or preferences that people may
4 consciously reject but which may be expressed without conscious
5 awareness, control, or intention. Like conscious bias,
6 unconscious bias too can affect how we evaluate information to
7 make decisions. All of us, no matter how hard we try, tend to
8 look at others and tend to weigh what they have to say through
9 the lens of our own experience and background. We each have a
10 tendency to stereotype others and to make assumptions about
11 them. Often we see lights and evaluate evidence through a
12 clouded filter that tends to favor those like ourselves. You
13 must do your best to put aside such stereotypes, for all
14 litigants and witnesses are entitled to a level playing field
15 in which we do the best that we can to put aside stereotypes
16 and prejudices. You are to be guided solely by the evidence in
17 the case and my instructions on the law.

18 Although you are the sole judges of the facts, my job
19 is to be the sole judge of the law. You must accept the law as
20 I give it to you, without any hesitation or reservation. You
21 must accept the law as I give it even if you privately disagree
22 with me or the law.

23 There are three basic principles of law that apply to
24 this and all criminal cases—the presumption of innocence, the
25 prosecution's burden, and the standard of proof.

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1 First, the presumption of innocence. A defendant is
2 presumed innocent, and that presumption remains with the
3 defendant throughout the trial and is not removed unless and
4 until the defendant's guilt is proven beyond a reasonable
5 doubt. The indictment containing the charges against the
6 defendant is only an accusation, nothing more. It is not proof
7 of guilt or anything else. Therefore, because no evidence has
8 been presented to you as of yet, if you were to deliberate
9 right now, you would have to find the defendant not guilty.

10 Second is the prosecution's burden. The burden of
11 proof is on the government. The defense has no burden and is
12 not required to do anything to prove his innocence. The
13 defense has the option of just sitting back and doing nothing.
14 Why? Because the defense has no burden of proof, and the
15 defendant is presumed innocent. The defendant is not required
16 to put on a defense or call any witnesses because of the
17 presumption of innocence. If the defendant chooses not to take
18 the stand, to testify on his behalf, you may not draw any
19 negative inference from that; in other words, you cannot hold
20 that against the defendant.

21 Third is the standard of proof. The prosecution is
22 required to prove the defendant's guilt beyond a reasonable
23 doubt. This standard does not require the prosecution to prove
24 the defendant's guilt beyond all doubt or to a mathematical
25 certainty. The prosecution does, however, have to prove the

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1 defendant's guilt beyond a reasonable doubt. The doubt is not
2 reasonable if, instead of being based on the nature and quality
3 of the evidence or the insufficiency of the evidence, it is
4 based on some guess or whim or speculation unrelated to the
5 evidence.

6 In my final instructions to you at the end of the
7 trial, I will give you detailed instructions on the law as to
8 the specific charges against the defendant. Those instructions
9 are intended to guide you through your deliberations and to
10 enable you to reach your decision.

11 Finally, I'm now going to instruct you on how you must
12 conduct yourselves during the trial.

13 You must keep an open mind during the trial.

14 You must keep your eyes open during the trial.

15 You may not ask the witnesses questions.

16 Do not converse, either amongst yourselves or with
17 anyone else, about anything related to the case. You may tell
18 the people with whom you live and your employer that you are a
19 juror and give them information about when you'll be required
20 to be in court, but you may not talk with them or anyone else
21 about anything related to the case. Do not at any time during
22 the trial request, accept, agree to accept, or discuss with any
23 person the receipt or acceptance of any payment or benefit in
24 return for supplying information about the trial. You must
25 promptly report directly to me any incident within your

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1 knowledge involving an attempt by any person to improperly
2 influence you or any other member of the jury.

3 Do not visit or view the premises or place where the
4 charged crimes were allegedly committed or any other premises
5 or place involved in the case. And you may not use internet
6 maps or Google Earth or any other program or device to search
7 for and view any location stated in the testimony.

8 Do not read, view, or listen to any accounts or
9 discussions of the case reported by newspapers, television,
10 radio, the internet, social media, or any other form of news
11 media. Do not attempt to research any fact, issue, or law
12 related to this case, whether by discussion with others, by
13 research in a library, or on the internet, or by any other
14 means or source.

15 In this age of instant electronic communication and
16 research, I want to emphasize that in addition to not
17 conversing face to face with anyone about the case, you must
18 not communicate with anyone about the case by any other means,
19 including by telephone, text messages, email, internet chat or
20 chat rooms, blogs, or social websites, such as Facebook and X.
21 You must not provide any information about the case to anyone
22 by any means whatsoever, and that includes the posting of
23 information about the case or what you are doing in the case,
24 on any device or internet site, including blogs, chat rooms,
25 social websites, or any other means.

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1 You must also not Google or otherwise search for any
2 information about the case or the law that applies to the case
3 or the people involved in the case, including the defendant,
4 the witnesses, the lawyers, and myself.

5 Now, ladies and gentlemen, I want you to understand
6 why these rules are so important. Our law does not permit
7 jurors to converse with anyone else about the case or for
8 anyone to talk to them about the case because only jurors are
9 authorized to render a verdict, only you have been found to be
10 fair, and only you have promised to be fair. No one else has
11 been so qualified.

12 Our law also does not permit jurors to converse among
13 themselves about the case until the judge tells them to begin
14 deliberations, because premature discussion can lead to a
15 premature final decision.

16 Our law also does not permit you to visit a place
17 discussed in the testimony. First, you cannot always be sure
18 that the place is in the same condition as it was on the day in
19 question; second, even if it were in the same condition, once
20 you go to a place discussed in the testimony to evaluate the
21 evidence in light of what you see, you become a witness, not a
22 juror. As a witness, you may now have an erroneous view of the
23 scene that may not be subject to correction by either party.
24 That is not fair.

25 Finally, our law requires that you not read or listen

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1 to any news accounts of the case and that you not attempt to
2 research any fact, issue, or law related to the case. Your
3 decision must be based solely on the testimony and other
4 evidence presented in the courtroom. It would not be fair to
5 the parties for you to base your decision on some reporter's
6 view or opinion or upon information you acquire outside of the
7 courtroom.

8 These rules are designed to help guarantee a fair
9 trial, and our law accordingly sets forth serious consequences
10 if the rules are not followed. I trust you understand and
11 appreciate the importance of following the rules, and in accord
12 with your oath and promise, I know you will do so.

13 During the trial, it may be necessary for me to confer
14 with the lawyers out of your hearing with regard to questions
15 of law or procedure. On some occasions you may be excused from
16 the courtroom for that reason. I will try to limit these
17 interruptions as much as possible, but you should remember the
18 importance of the matter you are here to determine, and should
19 be patient even though the case may seem to go slowly.

20 Finally, I permit jurors to take notes, but you do not
21 have to take notes. Notes are just an aid in your own
22 recollection. The court reporters in this case record
23 everything that is said in the courtroom, and any portion of
24 the testimony can be read back to you here in open court during
25 your deliberations.

1 If you do take notes, be aware that note-taking might
2 distract you from something important that is happening on the
3 witness stand. Whether or not you take notes, rely on your own
4 recollection, and don't be influenced by the fact that another
5 juror has taken notes.

6 I just told you that you are to report any attempt by
7 anyone to improperly influence you. Lawyers are not permitted
8 to have any contact with you other than what takes place on the
9 record in this courtroom. If you see an attorney, for an
10 example, in the hallway or outside and the attorney does not
11 say hello or acknowledge your presence, please don't think that
12 the attorney is being rude. The attorneys simply are not
13 permitted to have that type of contact with you.

14 Now Assistant United States Attorney Micah Fergenson
15 will make his opening statement.

16 MR. FERGENSON: This case is about how the defendant,
17 Miles Guo, conned thousands of investors out of \$1 billion, and
18 it's about how he spent millions of dollars of victim money on
19 himself.

20 In online videos, the defendant pitched investments in
21 a series of companies. In these videos, the defendant said
22 many false and misleading things. But at its core, the
23 defendant's fraud was simple. He promised his victims they'd
24 get rich, that their investments were safe, and they would not
25 lose any money. He told them that, as an ultra-rich

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1 billionaire, he would personally guarantee and pay back any
2 losses. He assured them he would never, ever let their
3 investments be stolen. These were lies. The truth is that the
4 defendant took investor money and spent it on
5 himself—million-dollar cars, yachts, a mansion. Miles Guo ran
6 a simple con, on a grand scale. He lived a billionaire's
7 lifestyle using money he stole from people he tricked and
8 cheated.

9 Now the defendant couldn't run a con this size alone.
10 You'll learn that the defendant and his partners in crime built
11 a criminal enterprise of different companies to carry out this
12 fraud. Some of the companies had offices right here in New
13 York City. The employees called the defendant the boss, and
14 the principal. And the defendant and his inner circle used
15 these businesses to steal money from their victims and to spend
16 it on themselves. And that's why we're here today, because
17 when the defendant conned people out of their money, he
18 committed several crimes involving fraud. When he and his
19 partners moved around investor money to hide that they were
20 spending it on themselves, they committed money laundering
21 crimes. And because the defendant committed these crimes,
22 using a criminal enterprise, a group of people and companies he
23 controlled, he committed a racketeering offense, a RICO
24 conspiracy.

25 Ladies and gentlemen, in this opening statement, I'm

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1 going to tell you what the evidence at this trial will show and
2 how the government is going to prove it—prove beyond a
3 reasonable doubt that the defendant is guilty.

4 So first, what will the evidence show? For years the
5 defendant deceived thousands of people and stole their money to
6 pay for a lifestyle he could no longer afford. You see, the
7 defendant used to be a wealthy real estate developer in China.
8 But he left China and came to the United States. Eventually
9 the defendant spoke out against China's government, the Chinese
10 Communist Party, or the CCP for short. He began giving
11 interviews and broadcasting his own videos.

12 And he didn't talk just about the CCP. The defendant
13 also talked about how rich he was. He showed off his
14 \$70 million apartment on Central Park, or his \$30 million
15 yacht.

16 And the defendant's mix of showing off wealth and
17 criticizing the CCP was popular. He became an internet
18 celebrity in the Chinese community. He had thousands of
19 followers. And you're going to learn that the CCP didn't like
20 this, that the CCP tried to silence the defendant, even tried
21 to have him brought back to China. And you'll learn that the
22 governments of China and Hong Kong seized the defendant's
23 assets shortly before the schemes began. So the defendant
24 needed money.

25 Now you're going to learn that the defendant pitched

1 many different investment schemes to his victims, but each one
2 was just a new spin on the same simple fraud. The defendant
3 told his followers that their money would be used for an
4 investment, and they could not lose any money. And instead,
5 the defendant stole the victims' money and spent it on himself.
6 He did that through four main schemes—GTV; the farm loans;
7 G/CLUBS; and the Himalaya Exchange. I'm going to talk about
8 each of those schemes in turn.

9 So the first business that the defendant raised money
10 for was GTV. What was GTV? It was an online media company
11 with a website and an app that had the defendant's videos, his
12 broadcasts on it. What did the defendant tell his followers
13 about GTV? He told them it was their special opportunity to
14 get rich without any risk. In 2020, the defendant announced,
15 in his online broadcast, that he would let his followers buy
16 GTV stock. The defendant told his followers that investing in
17 GTV had no risk. He told them he would personally pay back any
18 losses. He told them that investing in GTV could only make
19 them money. These were lies. And the defendant even lied
20 about the most basic part of the GTV investment—that the money
21 raised from GTV investors would be used for GTV, to grow the
22 business of GTV. Even that basic promise was a lie.

23 But the defendant's followers trusted him, and money
24 poured in. In months, victims invested over \$400 million in
25 GTV.

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1 What did the defendant actually do with that money?
2 Almost immediately, just days after the fundraising for GTV
3 closed, the defendant took \$100 million of GTV investor money
4 and used it for a high-risk investment on behalf of his son.
5 He essentially made a bet using \$100 million of GTV investor
6 money, sent it to a hedge fund for an extremely risky
7 investment. This bet wasn't even made on behalf of GTV; it was
8 made in the name of a company owned by the defendant's son.
9 And guess what? The hedge fund bet didn't pay out. This hedge
10 fund bet lost \$30 million. The defendant told GTV investors
11 that he would personally guarantee their money and pay back any
12 losses. Did he pay back the \$30 million loss? No. That was
13 just a lie.

14 What was GTV? It was one way that Miles Guo lied to
15 take other people's money. But it wasn't the only way.
16 There's GTV and then the farm loan scheme.

17 Now farms, these farms didn't have anything to do with
18 farming or agriculture. The defendant used the word "farms" to
19 refer to online groups of his followers in different cities or
20 countries. And the farm loan scheme was just a way to continue
21 the GTV scheme. You see, almost right away, US regulators
22 began investigating what GTV was doing. Funds were frozen, and
23 GTV's bank accounts were shut down. But the defendant, he
24 didn't stop. Instead, in his broadcasts, the defendant blamed
25 these problems on the Chinese government. He claimed that

1 victims who were complaining about their money being stolen
2 were traitors and CCP spies.

3 And the defendant told his followers they could still
4 buy GTV stock; they just couldn't call it stock. Instead,
5 investors could use "loans" that would be organized through the
6 farms. You see, each farm opened bank accounts that were used
7 to collect and pool money from farm members, the investors.
8 The defendant told his followers that to get GTV stock, they
9 could enter a "loan agreement" with a farm and send their money
10 to that farm. He said the farm would then enter a loan
11 agreement with GTV, and after a few years, the defendant's
12 followers, the farm members, could choose whether to get GTV
13 stock or cash. But that was another lie. The defendant and
14 his money launderer stole the farm loan money for themselves,
15 and the victims got nothing.

16 GTV, then the farm loan scheme. What were the farm
17 loans? They were another way that Miles Guo lied to take other
18 people's money.

19 The next scam was G/CLUBS. Now G/CLUBS was supposedly
20 a high-end lifestyle membership club, but really, it was
21 another way for the defendant to sell stock without calling it
22 stock. The defendant told his followers that by paying
23 G/CLUBS' initial membership fee, they would get stock in GTV or
24 G Fashion, the defendant's clothing company. How much was the
25 initial membership fee? The initial fee started at \$10,000 and

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1 went up to \$50,000 on the high end. Thousands of the
2 defendant's followers paid this fee, sending G/CLUBS hundreds
3 of millions of dollars and expecting to receive stock in
4 return. But G/CLUBS members did not get stock. That was
5 another lie.

6 Did members get anything for their membership costing
7 tens of thousands of dollars? The main thing they got was a
8 discount at G Fashion, which sold expensive clothing to the
9 defendant's followers, like an \$800 pair of sweatpants. You
10 could get 10 percent off that price if you paid \$10,000 for a
11 G/CLUBS membership. And while G/CLUBS members did not get
12 stock or any benefit worth tens of thousands of dollars, the
13 defendant spent the G/CLUBS membership money on himself and his
14 family.

15 GTV, farm loans, G/CLUBS. What was G/CLUBS? It was
16 another way that Miles Guo lied to take other people's money.

17 Now the defendant didn't just pitch stock to his
18 followers; he also pitched a pair of cryptocurrencies sold on
19 the Himalaya Exchange. At first he called them G Coin and G
20 Dollar, then they became H Coin and H Dollar—H Coin for
21 Himalaya Coin, H Dollar for Himalaya Dollar. These
22 cryptocurrencies were another scam. In his broadcast, the
23 defendant told his typical lies about this cryptocurrency,
24 guaranteeing investors would not lose money. He told his
25 followers that H Coin was backed 20 percent by gold. Ladies

1 and gentlemen, H Coin was not backed by gold.

2 The defendant tricked his followers into buying H Coin
3 and H Dollar because he wanted more money. You see, the only
4 place you could buy H Coin or H Dollar was a supposed
5 cryptocurrency exchange called the Himalaya Exchange. But the
6 Himalaya Exchange was run by the defendant's money launderer;
7 same one who helped him steal the farm loan money. You're
8 going to learn that when the defendant was in a bind and needed
9 money, the defendant's money launderer sent \$37 million of
10 Himalaya Exchange money--real dollars, not H dollars—to get
11 the defendant out of the bind he was in. \$37 million of money
12 that victims sent to the Himalaya Exchange used for his
13 benefit.

14 GTV, farm loans, G/CLUBS, the Himalaya Exchange.

15 What was the Himalaya Exchange? It was one more way
16 that Miles Guo lied to take other people's money.

17 These four schemes were really just different versions
18 of the same con, where the defendant tricked people out of
19 their money so he could spend it on himself and his family.
20 And he did it for greed. He used investor money to pay for a
21 luxury yacht, for private jets, to buy luxury cars, a
22 Lamborghini that cost nearly a million dollars, a Bugatti that
23 cost \$4 million, a \$4 million Ferrari for his son, a second
24 luxury yacht, a 50,000-square-foot mansion that he paid
25 millions more to renovate for himself and his family, and to

1 buy things like a \$35,000 mattress, and a \$60,000 TV. And the
2 victims, the investors whose funds were stolen by the defendant
3 to fund these spending sprees? They got nothing. They just
4 lost money—money they had saved, money they had borrowed,
5 their family money, money they thought was safe. And he just
6 stole it.

7 MS. SHROFF: Your Honor, objection.

8 THE COURT: Overruled.

9 MS. SHROFF: This is opening statement.

10 THE COURT: Overruled.

11 MR. FERGENSON: That's what the evidence is going to
12 show.

13 Now how is the government going to prove it, prove to
14 you that the defendant is guilty? You're going to see and hear
15 several different types of evidence. You will hear the
16 defendant's own words. You will see the defendant lie on video
17 over and over. You'll see him lie and say that his victims
18 can't lose money, that he would pay back any losses, that he
19 would never spend investor money on himself. And you'll hear
20 him lie about what he did with investor money, saying that he
21 has not touched even a penny of it, and admitting that if he
22 did, it would be a crime.

23 You'll also hear what the defendant and his
24 co-conspirators said on phone calls when they didn't know they
25 were being recorded by a concerned employee. You will hear the

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1 defendant order his co-conspirators to transfer \$100 million of
2 investor money that he later used to buy his mansion. And
3 you're going to see records related to each of the four main
4 frauds, about how the investor money was supposed to be used,
5 and then you'll see records showing how it was actually used,
6 bank records showing how the defendant and his co-conspirators
7 used dozens of shell companies and hundreds of bank accounts to
8 conceal the fact they were spending investor money on
9 themselves.

10 You'll see the GTV investment document that says GTV
11 investor money would be used to grow GTV's business, and then
12 you'll see the records showing \$100 million of GTV investor
13 money going instead to a hedge fund bet for the defendant's
14 son.

15 You'll see the farm loan contracts given to victims,
16 pieces of paper that were ultimately worth nothing to them.
17 You'll see the bank records showing that farm loan money was
18 just stolen.

19 And you'll see photographs of the things the defendant
20 bought with G/CLUBS membership money, all while promising in
21 his recorded broadcast that G/CLUBS memberships were a way to
22 invest in GTV or G Fashion. You'll see photographs of the
23 G/CLUBS Lamborghini that was parked in the defendant's garage,
24 at his Connecticut home; photographs of the defendant's mansion
25 in New Jersey, paid for with G/CLUBS money. You'll see

1 photographs of the defendant's custom Italian suits hanging in
2 his bedroom closet at that mansion.

3 You'll see the bank records showing the \$37 million
4 transfer of Himalaya Exchange money for the defendant's
5 personal benefit, all while the defendant told investors in
6 recorded broadcasts that he had no ownership in the Himalaya
7 Exchange and that H Coin and H Dollar money was secure.

8 Now you'll also hear the testimony of witnesses. You
9 will hear from people who used to work for and used to trust
10 the defendant. You'll hear from former employees of the
11 defendant's G businesses. They will tell you that the
12 defendant and his co-conspirators ran and controlled those
13 businesses, and made the decisions about how money was spent
14 and where it was transferred.

15 Now some of these former employees are testifying
16 pursuant to what's called non-prosecution agreements, in which
17 the government has agreed not to prosecute them in exchange for
18 their testifying at this trial. So you should listen carefully
19 to the testimony of these witnesses. When you do, you'll see
20 it's consistent with all the other evidence in the case.

21 Ladies and gentlemen, you will also hear from victims
22 of the defendant's fraud, people who were drawn into Miles
23 Guo's online world, people who trusted Miles Guo, who believed
24 the lies he told them, and who lost money, sometimes their life
25 savings, as a result, people who eventually realized they were

1 being scammed.

2 Now the evidence, it's not going to come in all at
3 once. You'll see it witness by witness, document by document,
4 one piece at a time. But at the end of this trial, after
5 you've heard the testimony and you've seen the evidence, you
6 will see the full picture. This man conned thousands of
7 investors and stole \$1 billion.

8 At the end of the trial, we'll have a chance to speak
9 with you again. Between now and then, I'm going to ask you
10 just to do three things—first, pay close attention to the
11 evidence; second, follow Judge Torres's instructions on the
12 law; and third, use your common sense—the same common sense
13 and good judgment that you use every day in your lives as New
14 Yorkers. If you do those three things, you will reach the only
15 verdict that is consistent with the evidence and the law—the
16 defendant is guilty.

17 THE COURT: Now we will have the opening statement on
18 behalf of the defendant, Mr. Guo, by Ms. Sabrina Shroff.

19 MS. SHROFF: Thank you, your Honor.

20 Good morning, ladies and gentlemen of the jury. It
21 was not a bet. It was not a scheme. It was not a con. It was
22 none of those things. And the reason we are here today is not
23 because the government brought an indictment; the reason we are
24 here today is because Mr. Guo has pleaded not guilty to the
25 indictment, and the evidence in this case will show—all of the

1 evidence—the witnesses that they bring in, as government
2 counsel noted, one by one, the documents that come in one by
3 one, will lead you to only one conclusion, and the conclusion
4 is that Mr. Guo is not guilty of the 12 counts brought in this
5 indictment.

6 I am here to tell you why there is no conspiracy, RICO
7 or otherwise, and there is no enterprise. Mr. Guo is not
8 guilty of the charges in this indictment.

9 Before I do that, and before I speak more to what the
10 evidence will show in this case, please allow me to introduce
11 myself. My name is Sabrina Shroff. And I, along with my
12 colleagues, represent Miles Guo.

13 Miles Guo is one of eight children who started life
14 with very little, born and raised in China, and that is in fact
15 where he and his brothers and his family made a fortune in real
16 estate. The evidence in this case will show that the fortune
17 was humungous. And yes, the government would like you to draw
18 many, many negative inferences from a person who, according to
19 them, spent thousands of dollars on a TV or on a mattress. I
20 ask you please, when you consider the evidence, consider the
21 evidence within the context and not to be drawn in by the
22 government's invitation to make judgment calls about people who
23 have money and spend it in a way that you and I simply
24 wouldn't.

25 So let's talk about what the evidence in this case

1 will show. The evidence in this case will show how Miles Guo,
2 filled with a determination to accomplish a goal, he had a
3 goal, and how he worked on that goal over a period of years,
4 and the goal was to establish, to set up, to form, and to move
5 forward a movement—a movement that would allow the people of
6 China, the Chinese people, to know that there was an
7 alternative, an alternative to the Chinese Communist Party, and
8 how the Chinese Communist Party could be removed so that
9 everybody could live in a way that they chose to live.

10 Mr. Guo, the evidence will show, did not have criminal
11 intent, and when the evidence in this case is complete, you
12 will see that what the government is trying to string together
13 is not just a group of people to try and prove to you an
14 existence of a conspiracy that really doesn't exist, but also
15 asking you to make value judgments about how money is made and
16 how money is spent.

17 So let me start where the government had started. Let
18 me talk about what the government spent the majority of the
19 time today, and what the government will spend a majority of
20 the time throughout this case on, the one person they ask you
21 to convict—Miles Guo.

22 He was raised in China, one of eight boys, and each
23 one of them grew up from nothing and made a fortune in real
24 estate. The real estate fortune of the eight brothers in China
25 was not just worth millions, it was worth hundreds and hundreds

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1 of millions of dollars. And you will hear that despite this
2 incredible success, financial fortune that he had in China,
3 Mr. Guo left China and came eventually and settled down in New
4 York. And you will ask yourself and the evidence will show why
5 Mr. Guo left China. He left China because he'd taken on the
6 CCP, the Chinese Communist Party, and they were not pleased
7 with him at all. The Chinese Communist Party also had a goal,
8 and they were very determined to make sure their goal was met.
9 Their goal was to make sure Miles Guo stopped speaking about
10 the CCP.

11 Now you've heard from government counsel earlier
12 today, and he has certainly invited you to make moral
13 judgments, value judgments, all sorts of judgments, but what he
14 has asked you to do at his core, he's asked you to receive from
15 him almost a fiat that Mr. Guo lied. He wants you to accept
16 that Mr. Guo lied so that people would give him money and then
17 wants you to accept that the only thing he did with that money
18 is spent it on himself and his family. That is not this case,
19 and that is not true.

20 You are going to hear that, like almost every one of
21 us, there's more than one aspect to Miles Guo, and some of the
22 aspects and some of the things you will hear during the
23 testimony in this case will be both surprising and eye opening.
24 So when you evaluate the evidence that comes in through the
25 witnesses, when you think about Miles Guo's story, when you

1 think about who Miles Guo is, I ask you, keep in mind and
2 conceptualize the world that he lived in because it is not our
3 world. Our world is not filled with surveillance, constant
4 harassment, and constant oversight and disruption by the
5 Chinese Communist Party.

6 You will hear testimony in this case from government
7 witnesses that Mr. Guo was forced to leave China. He was
8 forced to leave behind his wife and his daughter. Both were
9 arrested and detained in prisons in China for almost two years.

10 You will learn and you will have evidence that shows
11 you that once Mr. Guo got to New York, instead of focusing on
12 all the negatives that were before him and all the hurdles he
13 had to face, what he did is, he started to and continued over
14 time to speak out against the Chinese Communist party, and that
15 is what he did all the time, all day long. That was his goal,
16 to get that story out. And repeatedly he said—and you will
17 hear it through the trial—that the people of China are not the
18 Communist party. That is what he wanted to tell the people
19 that were here in the United States and the good-thinking
20 people that he had to leave behind in China.

21 What is it that he set out to do? He set out to start
22 a movement and tell the truth about the CCP. And with that, he
23 started to speak, he started to write, and he started to
24 broadcast, and soon that came to be known amongst those who
25 believed him and amongst those who followed him to be the

1 Whistleblower Movement.

2 And what did he talk about? He talked about things
3 that he knew. He knew of the corruption in the CCP, and that's
4 what he talked about. He knew certain secrets of corrupt
5 government officials, and that's what he talked about,
6 specifically. What else did he know? He knew the many ways in
7 which the CCP worked, and he knew of the many, many ways that
8 the CCP could make one's life hell, and one's professional life
9 and one's business life and one's personal life.

10 Now once Mr. Guo started talking about the CCP, the
11 reaction to it was immediate and strong, and the reaction
12 wasn't just from the people who were enthralled by what he had
13 to say. There was another reaction too. There was a reaction
14 by the CCP, the Chinese Communist Party, and they too had a
15 goal. Their goal was to make sure that he stopped.

16 So you see that most vividly when Mr. Guo, and the
17 evidence will show, had a broadcast on April of 2017,
18 April 19th of 2017, when he starts and gives a live interview
19 on Voice of America. In face of relentless bullying by the CCP
20 to stop, to be quiet, Mr. Guo decided to have a live-feed
21 interview on April 19th. The interview was, and his goal was,
22 to broadcast in an uncensored, live manner so that nobody could
23 doctor what he had to say. And what happened to this live
24 interview? While he's still speaking, in mid-speech, the feed
25 is cut off, the line is cut off, and the interview is stopped.

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1 There is no warning. There is no notice. All of a sudden, all
2 of the work he had put in to make sure this interview goes
3 through, it's cut off. And what happens after that? What
4 happens after that also gives you a context about the world in
5 which Mr. Guo has to live and do business.

6 Immediately after the April 19th interview, the
7 Chinese Communist Party issues what is called a red notice.
8 That is—a red notice is a warrant through the Interpol,
9 seeking Mr. Guo's immediate arrest and extradition back to
10 China.

11 After that interview with Voice of America, his wife
12 and his daughter are arrested in China by the Chinese police.
13 He loses all access to social media. His YouTube account is
14 cut off. His Twitter is cut off. And he has no access
15 whatsoever to any methodology by which he can get his word out.

16 What else do they cut off access to? They cut off
17 access to any method by which he could get himself or his
18 businesses any help. The CCP hacked his phones. Every
19 cellphone he has, they hacked. They hacked his computers—his
20 home computers and his work computers. They even hacked the
21 home and work computers of other people who are either
22 assisting him or doing business with him. And this pattern of
23 harassment by the CCP—and the evidence will show all of this
24 pattern—escalates and becomes more and more sophisticated.

25 So let me give you an example of how sophisticated

1 this harassment can get.

2 At one point the CCP is so determined to shut down any
3 and every bank account that the CCP starts to send money into
4 these accounts in the names of people who are on the OFAC list.
5 The OFAC list is a list set by the United States government
6 that lists the names of people who have engaged in criminal
7 conduct and are not allowed to use our banking system. The CCP
8 uses those names to send in money, triggers a reaction from the
9 compliance people in the bank, the bank shuts down all of his
10 accounts, because the monies being wired, they think, are in
11 the name of known criminals on the OFAC list.

12 You will hear all of this evidence from the government
13 witnesses, and you will know that the CCP has a thousand
14 different ways to mess with Miles Guo and to try and stop the
15 political movement that was really the essence of his entire
16 being.

17 The evidence will show why Mr. Guo continued,
18 continued in this movement, and why he endeavored to overcome
19 each and every one of these hurdles. He was determined to make
20 sure the movement survived, and he wanted to make sure others
21 who wanted to join the movement were able to do so.

22 So what did Mr. Guo do? He set up the Rule of Law
23 Foundation and he set up the Rule of Law Society. He dedicated
24 both those entities to make sure that they provided people with
25 support to fight the propaganda given by the CCP. To give

1 voice to the movement, he created a social media company. The
2 government lawyer has spoken endlessly about it. GTV. What
3 was GTV? GTV was a real company set up to spread the message
4 of the Whistleblower Movement. The point of GTV was to get an
5 uncensored voice out, not to just the people of Chinese beliefs
6 and systems who lived in the United States, but also the many,
7 many people who were left behind in China, who also wanted to
8 be part of that movement. And that is what GTV offered them.
9 Yes, GTV was the first of multiple business opportunities that
10 aimed to spread the voice of the Whistleblower Movement.

11 Mr. Guo participated in GTV, the farm loan program, G/CLUBS,
12 and the Himalaya Exchange, and its currencies, H Coin and H
13 Dollar. These businesses were at the heart of the movement,
14 and the government is simply wrong when it argues that they
15 were not real businesses. The evidence in this trial will show
16 that GTV was, unlike many, many others, a citizen-based
17 journalism website. It allowed for people to speak openly and
18 talk to each other without repercussions from the CCP.

19 The farm loan program. The farm loan program, the
20 evidence will show, not what this prosecutor has just told you,
21 but it will show that the farm loan program was a way for
22 people to give their money at an interest rate to support the
23 movement—the movement that they were interested in. And it
24 was a way for people to earn money from these loans. I remind
25 you, keep an eye on the time frame when all of this happened.

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1 United States and most of the world is in the midst of a
2 pandemic, and people are eager to interact with each other
3 online.

4 What was G/CLUBS? G/CLUBS was what the government
5 lawyer here mocks whether or not one should spend X amount of
6 dollars on a sweatshirt or sweatpants—I think he said
7 sweatpants. That is a person's choice, and that is exactly
8 what China didn't want people to have and what the movement did
9 want people to have—choice. You want to spend your money that
10 way, that is entirely up to you. And what did G/CLUBS
11 membership allow? It allowed a person, if they wanted, to
12 support the movement, at whatever price they wanted to support
13 it. If you wanted to support it at the \$10,000 level, you
14 could, and if you wanted to support it at the \$50,000 level,
15 you could. The evidence will show—and I ask you, when the
16 evidence comes in, do not take that invitation to make a moral
17 or value judgment on what and how people should spend their
18 money. The question is, does the evidence show the existence
19 of real companies, the existence of real employees, the
20 existence of people who did actual, real good work, the
21 existence of people who dealt with the same problems you and I
22 deal with at our jobs, trying to do the best job we can because
23 we're chosen by people and bosses, because we have talent,
24 expertise, and hard work, and those are the people that worked
25 in each one of these companies.

1 There is no denying at all that all of these entities
2 were built around Mr. Guo's celebrity. Yes. And he was the
3 one who started speaking as early as 2017 and continued
4 speaking against the CCP.

5 You know what else the evidence will show? That not
6 just other people were the ones who invested. Mr. Guo's
7 friends invested, Mr. Guo's family members invested. Why?
8 Because they too—they too believed in the movement. So they
9 invested. They invested in GTV, they invested in the farm,
10 they invested in G/CLUBS, and they invested on the Himalaya
11 Exchange. They believed. The evidence will show that these
12 companies were built, were put together, just like any other
13 business; maybe not with the same level of infrastructure, but
14 people believed. And Mr. Guo, like many, many of us, had a
15 vision, had an idea. What he did not quite have is the
16 infrastructure that you and I bring to our daily lives. When
17 he first started, he spoke very little or no English. He was
18 new to this country. He wasn't familiar with the way things
19 are done. And yes, you will hear recordings in which he speaks
20 in a demanding voice, one instant, for work to get completed,
21 and at some times even appears to be extremely pigheaded in a
22 way that many a person is. Does that mean he's a criminal?
23 No. Does that mean he committed these crimes? The evidence
24 will show it does not. What the evidence, again, will show is
25 that the people who he hired were people who were able to

1 contribute to each one of these businesses.

2 Now the government, I suppose, will spend some amount
3 of time introducing evidence about two individuals, Yvette Wang
4 and William Je, and I ask you, as you hear the evidence the
5 government puts in, to pay some and close attention to what
6 roles each one of these people played. The testimony will show
7 that Ms. Wang was the head of operations. She ran the
8 day-to-day of each business. She was in charge of hiring. She
9 did the best to hire people, and her hiring practices were the
10 same as yours or mine. She hired people that she met along the
11 way in her business, she hired people through a headhunter when
12 she needed a person or a spot filled. And she was no more or
13 no less committed and no more or no less demanding than any
14 other chief executive officer that works.

15 William Je is another name that the evidence will
16 show, and William Je was the finance guy. He's a well-regarded
17 investment banker who had managed the fortune not just of the
18 Guo family fund but he had managed the fortunes of many another
19 companies. He had expertise, he had skill, and that is why he
20 was the finance guy.

21 And I've already talked at length about Mr. Guo, who
22 was the ideas man. He came up with the ideas and he put
23 together the thought and the vision of what the movement that
24 he believed in would look like.

25 So you see, he wasn't alone in the movement. He

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1 wasn't moving all on his own. In fact, that's why it was
2 called the Whistleblower Movement. The point of it was to have
3 others join and participate.

4 So what will the evidence show at the end of the day?
5 The evidence will show that each one of these companies hired
6 and had people working towards the existence of a real
7 business. They believed and Mr. Guo believed. Mr. Guo
8 believed in this movement. So when the government lawyer asks
9 you and tells you to believe that Mr. Guo defrauded the members
10 of this movement, what the government is saying to you is that
11 he intentionally misled supporters to steal money, the same
12 money that they had given to the movement, the movement that he
13 had devoted almost his entire life to, the movement for which
14 he fled China, the movement for which he put up with being
15 followed every day, the movement for which his phones were
16 hacked, the movement for which his wife and his daughter sat in
17 prison for two years, and the movement for which he was not
18 allowed to leave and travel outside the United States, the
19 movement for which he risked his very existence. That's what
20 they're saying he set out to harm. They're saying that he set
21 out to harm the very thing that was almost an extension, a
22 symbiotic extension of who he was. And he did all of that even
23 though he had a fortune from a family fund that allowed him to
24 live in luxury. What the government is asking you to believe
25 is not just illogical; it defies common sense.

1 I ask you to consider this. All of the evidence that
2 the government lawyer talked about—the wealth, the millions of
3 dollars' worth of luxury hotel in Manhattan where he lived, the
4 yacht, the mattress, whatever it is that he talked about—you
5 know what the evidence is going to show? The evidence is going
6 to show that no matter what else these witnesses say to you,
7 Mr. Guo had that lifestyle long before the government even
8 alleges that he committed this fraud.

9 The suits, sweatpants, the house, the evidence will
10 clearly show, that has been his lifestyle for decades, well
11 before the government says he lost money and well, well before
12 any of this was even a thought in the government's mind. And
13 it certainly continues today and continued for days after
14 because the family fund will always support Mr. Guo.

15 And I ask you to consider this, because the government
16 does invite you to make this value judgment. It is easy for a
17 person to judge another as either shallow or rich, but shallow
18 or rich does not make for a criminal. That does not mean that
19 the government's inference is a proper one.

20 The evidence will clearly show that Mr. Guo did not
21 need to steal money to buy the Brioni suits. None of that
22 would be worth all of the hardship he went through to keep the
23 CCP at bay. What the evidence will show here is that Mr. Guo
24 did not steal money from GTV, he did not steal money from the
25 farm loans program, he did not steal money from G/CLUBS, and he

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1 did not steal money from the Himalaya Exchange.

2 The government will also invite you to think, and
3 invite you to conclude, that the reason Mr. Guo did certain
4 things are because he was engaged in criminal activity.

5 (Continued on next page)

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1 MS. SHROFF: So what else is the government going to
2 elicit in terms of evidence? The government is going to seek
3 to elicit that Mr. Guo had constant telephones that he changed;
4 he had almost hundreds and hundreds of telephones. And that he
5 had these telephones, and he changed his number constantly
6 because he didn't want people to know what he was doing.

7 I ask you to consider this: If you have been the
8 target of constant hacking by the CCP, and if you have been the
9 target of people listening in on your phones, using your voice
10 recordings to impersonate you, wouldn't you also change your
11 phones that often?

12 If you were in constant fear of being threatened,
13 kidnapped, killed, moved, would you also not have a car that
14 does not tell people where and when you're going to be taken?
15 It's logical that that is what a person who is being surveilled
16 would live in that manner. If you were Mr. Guo and you were
17 being constantly targeted, wouldn't you want a safe and secure
18 place to have business meetings? Wouldn't you establish a base
19 where people you wanted to do business with could come and meet
20 with you without the interference and the distortion from the
21 CCP?

22 For every piece of evidence of wealth that they put
23 in, you will have an equally fair inference that he took those
24 steps not to cheat, not to indulge, but to make sure that the
25 movement survived despite the distortions of the CCP.

1 I ask you to keep in mind when they talk to you about
2 bank accounts, Mahwah, homes, ask yourself, why would a person
3 have to open a bank account, unless, of course, each time a
4 bank account was owned, somebody from the OFAC list deposited
5 money into your account and had compliance to them. That's the
6 reason why Mr. Guo's actions must be evaluated in the context
7 and the lifestyle in which he was supposed to exist.

8 So the government will introduce the evidence. And I
9 ask you to keep in mind that for each piece of evidence that
10 comes into them, the necessary inference from them is not the
11 accurate one. They ask you to infer from the filing of a
12 bankruptcy that Mr. Guo simply did not have money.

13 Now, whether we think it's fair or whether we think it
14 unfair, the rich often declare bankruptcy. Personal bankruptcy
15 does not mean poverty. None of that inference is correct. And
16 I ask you, when you hear evidence of that, to consider how it
17 is that Mr. Guo, who did not have any personal assets at that
18 time, because the CCP was the one that had seized his property.

19 There was a time - and you will hear evidence coming
20 in - that Mr. Guo was to pay a fine of almost \$100 million
21 within a few days. And that is what leads to a filing of
22 bankruptcy. But the government's request that from that you
23 draw the conclusion of guilt, again, is a misplaced request.

24 The government will argue throughout this case that
25 what Mr. Guo did was simply unlawful. They will ask you to say

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1 you can be persecuted and you can still be a fraud. And when
2 they ask you that, I ask you to think about how the evidence
3 shows them to be wrong. The government isn't just saying that
4 there is a fraud. What the government is asking you to do is
5 to conclude that Mr. Guo defrauded essentially himself because
6 he is the movement, and the movement him.

7 So when they ask you to take a look at the evidence
8 that comes in – the evidence of wealth, the evidence of
9 spending, the evidence of luxury – I ask you to evaluate all of
10 that evidence in the context which I have described. And if
11 you do so, and if you evaluate the evidence, understanding how
12 difficult it was for these entities to survive, and how each
13 one of the people who worked for these entities worked hard to
14 maintain and forward a movement, you will reach the only
15 logical conclusion in this case: That Mr. Guo is not guilty of
16 the 12 counts of the indictment. Thank you.

17 THE COURT: Members of the jury, I want to remind you
18 about our trial schedule. Every day, every weekday, you'll be
19 entering the courtroom at 9:30 in the morning. By 9 o'clock,
20 you'll have a light breakfast available to you, so you can come
21 early. But you must be ready to enter the courtroom at 9:30.

22 So, in general, we'll take a half-hour break between
23 11:30 and 12; and I will also have a light lunch for you. And
24 then we'll go until 2:45. By condensing the schedule this way,
25 I don't take up your entire day until 5 p.m. I'm very aware

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1 that you have other important things to do during the day, and
2 so that is why I've designed the schedule in this way.

3 So at this time we will take our half-of-an-hour
4 break.

5 (Jury not present)

6 THE COURT: You may be seated. Counsel, is there
7 anything before we return in half of an hour?

8 MR. FERGENSON: No, your Honor.

9 THE COURT: You're ready with your first witness?

10 MR. FERGENSON: Yes, your Honor.

11 MR. KAMARAJU: Not from the defense, your Honor.

12 THE COURT: All righty.

13 (Luncheon recess)

14 (Continued on next page)

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1 A F T E R N O O N S E S S I O N

2 12:10 P.M.

3 (At sidebar)

4 THE COURT: I have a note from Juror No. 192. I don't
5 remember his number, his actual number on the jury.

6 MR. KAMARAJU: It makes sense that he's an alternate.

7 MR. BARKAN: 192 is Alternate 5, your Honor.

8 THE COURT: Okay. Alternate 5.

9 To the Honorable A. Torres:

10 I am profoundly disappointed that my excuse for
11 dismissal wasn't granted. My request began with I am a working
12 single father. My child will have field trips, Father's Day,
13 tea ceremony, and graduation. And I will now not be able to
14 attend. When school ends on June 18th, I will not be able to
15 take her to camp. My family is far away and not able to assist
16 regularly. I am a widower. My wife passed away in childbirth.
17 So being able to something my child is very important.

18 I've just learned about the need to gather at a
19 location at an agreed-upon time. I dropped my child off at 8
20 a.m. Any adjustments brought in will cost me, my family, and
21 job gravely, not to mention thousands of dollars. I did not
22 detail my work position and how I am required to be at my job.
23 I thought my reasonable request based on my home and living
24 situation would have been sufficient.

25 To the attorneys, I appreciate the confidence you have

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1 in my selection. You have royally screwed me over.

2 Juror No. 192.

3 MS. SHROFF: He's the gentlemen who served on Judge
4 McMahan's jury. I think he said that when he was being voir
5 dired.

6 THE COURT: What would you like me to do?

7 MS. SHROFF: I say we let him go. We have six; we can
8 live with five.

9 MR. FINKEL: So, your Honor, the government is fine
10 with five alternates. However, we defer to the Court on the
11 appropriateness on how to deliver the message. And the
12 government's concern would be sending a message to the rest of
13 the jury that merely sending a letter to the Court would allow
14 them to be excused from service.

15 The government has no objection to proceeding with
16 five alternates; and just ask the Court to use its discretion
17 and its experience on how to -- the timing of how to deliver
18 the message.

19 THE COURT: So I am also told that the jurors are not
20 pleased with the arrangement that they meet at a pick-up point
21 and be taken by car to the courthouse. XXXXXXXXXXXXXXXXXXXXXXXX
22 XX
23 XXwhich I think is acceptable.

24 MR. KAMARAJU: Fine with us, your Honor.

25 THE COURT: So this juror, Alternate No. 5, does not

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1 know about that offered alternative yet. I could always bring
2 him in and ask him if that change would make it acceptable to
3 him, see what he says.

4 MS. SHROFF: We leave it up to the Court, if the Court
5 wants to ask him. But he seems royally, as he puts it, pissed
6 off. So my inclination would be to let him go. But perhaps
7 the Court could consider if we just let him sit through the day
8 and then we let him know just not to come on Monday, and then
9 assume that -- either tell the jury that, you know, this is the
10 new pool and provide no explanation, so that they don't think
11 somebody got away with something.

12 THE COURT: I definitely will have him sit through the
13 day, and I will speak with him after we're finished for the
14 day. Okay.

15 MR. FINKEL: Your Honor, one application before we
16 leave. Just that the location where the jurors are going to
17 meet be sealed in public record for the reasons that the
18 government stated in its motion, and that the location where
19 the jurors are going to meet not be shared with the defendant.

20 THE COURT: I think that that is totally appropriate.

21 MS. SHROFF: We don't even know where they were going
22 to meet, so we have nothing to share.

23 THE COURT: Okay. So those items will be sealed.

24 MR. FINKEL: Thank you, your Honor.

25 (Continued on next page)

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McNamara - Direct

1 (In open court)

2 THE COURT: Would you have the jurors return to the
3 courtroom please.

4 (Jury present)

5 THE COURT: Please be seated.

6 Will the government call its first witness.

7 MR. FINKEL: Yes, your Honor.

8 The government calls Erin McNamara.

9 ERIN McNAMARA,

10 called as a witness by the Government,

11 having been duly sworn, testified as follows:

12 THE COURT: Please state your name and spell it.

13 THE WITNESS: Erin, E-R-I-N; McNamara,

14 M-C-N-A-M-A-R-A.

15 THE COURT: Please draw the microphone towards you.

16 You can bend it if you like.

17 You may inquire.

18 MR. FINKEL: Thank you, your Honor.

19 DIRECT EXAMINATION

20 BY MR. FINKEL:

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. Where do you work?

24 A. I'm a special agent with the FBI in the New Haven field
25 office.

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McNamara - Direct

1 Q. How long have you been with the FBI?

2 A. 26 years.

3 Q. What, if anything, did you do before you were an FBI agent?

4 A. I was an auto underwriter with State Farm.

5 Q. Special Agent McNamara, what is ERT?

6 A. It's an evidence response team.

7 Q. Can you please describe to the members of the jury what the
8 evidence response team does.

9 A. Sure. Evidence response teams, they are bureau-wide. They
10 are people who are additionally trained in crime scene
11 management and forensic evidence collection.

12 Q. Special Agent McNamara, what role, if any, do you have with
13 ERT?

14 A. I'm the senior team leader for the New Haven team.

15 Q. What is a search warrant?

16 A. A search warrant is a document that's obtained from a
17 judge, usually an investigator gets it. It explains what it is
18 that you are allowed to search and what it is that you are
19 allowed to search for and seize.

20 Q. Special Agent McNamara, I want to direct your attention to
21 March 15th, 2023. In connection with your role at ERT, what,
22 if anything, did you do that day?

23 A. We executed a search warrant at 373 Taconic Road in
24 Greenwich, Connecticut.

25 Q. What sort of neighborhood is Greenwich, Connecticut?

1 A. It's a very affluent neighborhood.

2 Q. How would you describe 373 Taconic Road?

3 A. It's beautiful, beautiful mansion. Very large, beautiful
4 yard, pool, tennis courts. And I believe it even bordered a
5 golf course.

6 MR. FINKEL: Ms. Loftus, we can display for the
7 witness what's been marked for identification as GX 133.

8 Q. Special Agent McNamara, what is GX 133?

9 A. That's an aerial view of 373 Taconic Road in Greenwich.

10 Q. Is that a fair and accurate photograph of 373 Taconic Road
11 in Greenwich?

12 A. Yes.

13 MR. FINKEL: Government offers 133.

14 THE COURT: No objection?

15 MS. SHROFF: No, your Honor.

16 THE COURT: Admitted.

17 (Government's Exhibit 133 received in evidence)

18 MR. FINKEL: If we could publish it, please,
19 Ms. Loftus.

20 Q. Special Agent McNamara, was the weather the day that you
21 were at 373 Taconic the same as what we see on the screen?

22 A. No, there was snow on the ground.

23 Q. Approximately what time did you arrive at 373 Taconic on
24 March 15th?

25 A. Around 7 a.m.

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McNamara - Direct

1 Q. And when you arrived, did the FBI have a search warrant?

2 A. Yes.

3 Q. For what?

4 A. For 373 Taconic Road and its grounds.

5 Q. Did the FBI have an arrest warrant that day?

6 A. Yes.

7 Q. For who?

8 A. Miles Guo.

9 Q. Was Miles Guo present at 373 Taconic?

10 A. No.

11 Q. Were there individuals besides FBI personnel present at 373
12 Taconic?

13 A. Yes, there were three residents. There were an older
14 female, a younger female, and a male. And my understanding was
15 it was the wife, daughter, and the daughter's boyfriend.

16 Q. Wife, daughter, and daughter's boyfriend of whom?

17 A. Of Mr. Guo.

18 Q. What were their names?

19 MS. SHROFF: Objection.

20 THE COURT: Overruled. You may state that. You may
21 answer.

22 A. The daughter was Mei --

23 MS. SHROFF: May we approach for a moment, please?

24 THE COURT: All right.

25 MS. SHROFF: Thank you.

1 (At sidebar)

2 MS. SHROFF: Your Honor, the daughter's name is
3 immaterial. She has been the subject of a lot of online and
4 offline harassment. She's not even in court today because she
5 does not want to be identified. She has made no court
6 appearances, even though she's dedicated to her father, because
7 she is constantly harangued.

8 We have not once raised an objection to their
9 witnesses names not being disclosed. And there is no relevance
10 to what her name is. It's not pertinent at all to any
11 questioning here. Her name could be Sonia Gandhi, for all I
12 care, but her real name does not need to be used.

13 MR. FINKEL: It is pertinent because her name is on
14 documents, as is the name of the wife, as is the name of the
15 daughters, boyfriend or fiancé.

16 In addition, I should note it is relevant here.
17 Ms. Shroff opened on the fact of the wife and the daughter and
18 their relationship with him. Her name is on documents. We
19 need to explain who she is. It's relevant.

20 THE COURT: The harassers already know her name.

21 MS. SHROFF: She's not here in court. She didn't come
22 to court to support her father because she's being harassed,
23 your Honor. And I did not refer to her by name in my opening
24 for a specific reason, which is obvious why I didn't use the
25 wife's name and the daughter's name. And I think the record

1 speaks for itself on that point.

2 THE COURT: So the fact that these names are on
3 documents makes her name relevant. But also, the Chinese
4 Communist Party jailed the wife and daughter. I'm sure they
5 know the name, plus a lot of other information.

6 The objection is overruled.

7 MS. SHROFF: Your Honor, it's not the Chinese
8 Communist Party, it's quote/unquote victims.

9 THE COURT: Overruled, Ms. Shroff.

10 MS. SHROFF: Thank you.

11 (Continued on next page)

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1 (In open court)

2 THE COURT: You may answer.

3 A. The daughter was Mei, M-E-I; Guo, G U O. The mother, I
4 only recall her last name was Ngok, N-G-O-K. And the male, it
5 was Cao, C-A-O.

6 Q. Do you remember the male's first name?

7 A. I do not.

8 MR. FINKEL: Ms. Loftus, if we can display for the
9 witness 3514-48. If you can please go to page 2 of that.

10 Actually, your Honor, may I approach?

11 THE COURT: You may.

12 Q. Special Agent McNamara, can you look at your screen towards
13 the bottom. And the question is whether that refreshes your
14 recollection as to the daughter's boyfriend's first name?

15 A. Yes.

16 MR. FINKEL: Ms. Loftus, can you bring that down,
17 please.

18 Q. Special Agent McNamara, what is the daughter's boyfriend's
19 first name?

20 A. Defeng, D-E-F-E-N-G.

21 Q. Special Agent McNamara, what was your role with respect to
22 the search at 373 Taconic?

23 A. I was a coordinator. I made sure we had the materials we
24 needed, assignments as to who would photograph, answer
25 questions; just sort of made sure that the search kept moving

1 and that everything was completed.

2 Q. And what were the sort of items that the team was looking
3 for?

4 A. Electronics like cell phones, computers, business records,
5 financial records, photographs, things of that nature.

6 Q. By the way, Special Agent McNamara, aside from your
7 involvement in this search on March 15th, were you involved in
8 the investigation concerning Miles Guo?

9 A. No.

10 Q. If you were not involved in the Miles Guo investigation,
11 can you explain to the members of the jury why, if at all, you
12 were participating in a search that day?

13 A. Sure. It was a request by New York. They had multiple
14 search warrants, so they needed assistance conducting this one.
15 And since it's in Greenwich, it's in our territory in
16 Connecticut, so they asked us for assistance. They asked us to
17 provide people and supplies and things that were needed to
18 conduct the search.

19 Q. Does that happen somewhat commonly within the FBI?

20 A. Yes.

21 MR. FINKEL: Your Honor, at this time I'd like to read
22 a stipulation to the parties.

23 THE COURT: Go ahead.

24 Before you read the stipulation though, I'd like to
25 let the jurors know what a stipulation is.

1 A stipulation is an agreement between both sides to
2 present evidence to the jury without calling a witness for the
3 purpose of discussing the subject matter.

4 Go ahead.

5 MR. FINKEL: It is hereby stipulated and agreed by the
6 United States of America and Miles Guo, the defendant:

7 If called as a witness at trial, a special agent of
8 the Federal Bureau of Investigation, FBI, would testify as
9 follows:

10 On March 15, 2023, special agents and other FBI
11 employees executed a judicially authorized search of 373
12 Taconic Road, Greenwich, Connecticut. During the course of
13 that search, FBI personnel took photographs of exterior and
14 interior spaces of 373 Taconic Road, Greenwich, Connecticut,
15 and also lawfully seized documents and electronic devices.

16 Government Exhibits GX CT-20 through GX CT-30, GX
17 CT-35 through GX CT-72, GX CT-74 through GX CT-105 are fair and
18 accurate photographs of interior and exterior spaces of 373
19 Taconic Road, Greenwich, Connecticut, that were lawfully
20 captured by an FBI photographer on March 15, 2023, when
21 conducting the search.

22 Following the March 15, 2023 search, FBI personnel
23 scanned and photographed documents that were lawfully seized
24 during the search. GX CT-101 through GX CT-129, GX CT-157
25 through GX CT-187, GX CT-190 through GX CT-202, and GX CT-204

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McNamara - Direct

1 through GX CT-207 are true and correct copies of documents that
2 were seized during the March 15, 2023 search of 373 Taconic
3 Road, Greenwich, Connecticut.

4 It is further stipulated and agreed that this
5 stipulation, which is GX STIP-1, may be received into evidence
6 as a government exhibit at trial. And it's signed by the
7 parties.

8 With that, your Honor, the government offers GX
9 STIP-1.

10 THE COURT: It is admitted.

11 (Government's Exhibit STIP-1 received in evidence)

12 MR. FINKEL: And the government offers GX CT-20
13 through GX CT-30, GX CT-35 through 72, GX CT-74 through 105, GX
14 CT-101 through 129, GX CT-157 through 187, GX CT-190 through
15 202, and GX CT-204 through 207.

16 THE COURT: They are admitted.

17 (Government's Exhibits CT-20 through CT-30, CT-35
18 through 72, CT-74 through 105, CT-101 through 129, CT-157
19 through 187, CT-190 through 202, CT-204 through 207 received in
20 evidence)

21 MR. FINKEL: Thank you.

22 BY MR. FINKEL:

23 Q. Special Agent McNamara, did you see every aspect of 373
24 Taconic on March 15, 2023?

25 A. I did not.

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McNamara - Direct

1 Q. How long did the search take?

2 A. Just under four hours.

3 MR. FINKEL: We can please display what's in evidence
4 as Government Exhibit GX CT-87.

5 Q. Special Agent McNamara, what is the jury looking at in GX
6 CT-87?

7 A. That's an exterior photo of 373 Taconic Road.

8 MR. FINKEL: If we can pull up, please, Ms. Loftus, GX
9 CT-25. It's not on your screen? If you can publish that,
10 please, Ms. Loftus. It wasn't published. Thank you. Sorry
11 about that.

12 Q. Special Agent McNamara, what is GX CT-25?

13 A. That's another exterior photo of 373 Taconic Road, the rear
14 of the house.

15 MR. FINKEL: Ms. Loftus, if we can please publish GX
16 CT-91.

17 Q. Special Agent McNamara, what is GX CT-91?

18 A. This is a side of the house, the side with the two garages.

19 Q. Did there come a time during the search of 373 Taconic when
20 you entered the garages that we're looking at in GX CT-91?

21 A. Yes.

22 Q. Which garage?

23 A. Both.

24 Q. What, if anything, were in the garages?

25 A. In the garage to the right in the photo as you're looking

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McNamara - Direct

1 at it was a red Lamborghini.

2 MR. FINKEL: If you can please display GX CT-95.

3 Q. Special Agent McNamara, is this the garage that you went
4 inside and saw the red Lamborghini?

5 A. Yes.

6 MR. FINKEL: If we can please display GX CT-38.

7 Sorry. It looks like our computer froze. Bear with
8 us. Apologies.

9 Q. While we're waiting for the computer to wake up, which
10 happens, sorry, Special Agent McNamara, what, if anything,
11 happened to the Lamborghini on March 15, 2023?

12 A. It was seized.

13 Q. And was that pursuant to a warrant?

14 A. A seizure warrant, yes.

15 Q. And was the FBI able to locate the keys to the Lamborghini?

16 A. Yes.

17 Q. And where were they?

18 A. Inside the house.

19 Q. Did you see the keys that day?

20 A. I did.

21 Q. Special Agent McNamara, what is a VIN number?

22 A. It's a vehicle identification number. It's a number that's
23 unique to each vehicle.

24 MR. FINKEL: If we can please display GX CT-42.

25 Q. Special Agent McNamara, approximately how many FBI

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McNamara - Direct

1 personnel participated in the search?

2 A. Around 40.

3 Q. And did you walk from one side of the home to the other?

4 A. I did not -- no, not on every floor no, I did not.

5 Q. On any of the floors did you?

6 A. The first floor.

7 Q. How long did it take to get from one side to the other?

8 A. I don't know. I was stopped multiple times from one end to
9 the other.

10 MR. FINKEL: If we can please display, Ms. Loftus, GX
11 CT-41.

12 Q. Special Agent McNamara, did the 373 Taconic appear to be a
13 home that was lived in?

14 A. Yes.

15 Q. Why was that?

16 A. There were clothes, shoes, food, toiletries, dogs. They
17 had two dogs. Dog beds.

18 MR. FINKEL: Just going to wait for our computer to
19 cooperate so we can continue.

20 Q. All right. Special Agent McNamara, what are we looking at
21 in GX CT-41?

22 A. That's the VIN number on the Lamborghini in the garage.

23 Q. Does ERT have any practices or procedures with respect to
24 VIN numbers on cars?

25 A. Yes, we always photo the VIN number because it's a unique

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McNamara - Direct

1 identifier, like a serial number on a computer.

2 MR. FINKEL: Your Honor, may I approach?

3 THE COURT: You may.

4 MR. FINKEL: I've handed the witness what's been
5 marked for identification as Government Exhibit 36.

6 Q. Special Agent McNamara, can you look at Government Exhibit
7 36, please.

8 A. It's keys to a Lamborghini.

9 Q. And do those keys have any uniquely identifying marks?

10 A. There's a partial VIN number on the tag.

11 Q. And what is the end of the partial VIN number?

12 A. 10393.

13 Q. Does that match the VIN number in GX CT-41?

14 A. It does.

15 MR. FINKEL: Government offers 36.

16 THE COURT: It is admitted.

17 (Government's Exhibit 36 received in evidence)

18 MR. FINKEL: Your Honor, may I publish it to the jury?

19 THE COURT: You may.

20 MR. FINKEL: If we can display for the witness,
21 please, Government Exhibit GX CT-209. Just for the witness.

22 Q. Special Agent McNamara, from where were the keys recovered?

23 A. There was a -- it was a room, I would call it like an
24 office/security room. There were monitors for the security
25 cameras in there. And a desk.

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McNamara - Direct

1 MR. FINKEL: One moment, please.

2 MR. FINKEL: GX CT-209, please, for the witness.

3 Q. Special Agent McNamara what is GX CT-209?

4 A. That's another photograph from the search.

5 Q. Is that a fair and accurate photograph of what you saw on
6 March 15, 2023?

7 A. Yes.

8 MR. FINKEL: Government offers CT-209.

9 THE COURT: It is admitted.

10 (Government's Exhibit CT-209 received in evidence)

11 MR. FINKEL: Can you please publish that.

12 The jury can see it? No? Now you can. Okay. Great.

13 Q. Special Agent McNamara, do you know what those flags are?

14 A. No.

15 MR. FINKEL: We can now please display what's in
16 evidence as Government Exhibit CT-58.

17 Q. Special Agent McNamara, what are we looking at in GX CT-58?

18 A. A photograph of one of the rooms in the house at 373
19 Taconic Road.

20 Q. And what, if anything, was in that room besides what we're
21 looking at?

22 A. Oh, cameras. Like a video cameras.

23 Q. Do you know why there are video cameras in there?

24 A. No.

25 MR. FINKEL: Please look at, Ms. Loftus, GX CT-59.

1 Q. What is GX CT-59?

2 A. That's another photo of that room, that same room.

3 MR. FINKEL: If we can please, Ms. Loftus, show just
4 the witness GX CT-208. This is just for the witness, please.

5 Q. Special Agent McNamara, what are we looking at in GX
6 CT-208?

7 A. That's another photograph from the search. That's what I
8 would call the living room.

9 MR. FINKEL: Government offers GX CT-208.

10 THE COURT: It is admitted.

11 (Government's Exhibit CT-208 received in evidence)

12 MR. FINKEL: Publish that please, Ms. Loftus.

13 If we can please display Government Exhibit GX CT-83,
14 which is in evidence.

15 Q. Do you know what those insignias on the clothing are?

16 A. No.

17 MR. FINKEL: Ms. Loftus, if we can display GX CT-80.
18 80, please. Eight zero. This is in evidence.

19 Jury able to see that? No?

20 Can we publish that to the jury, please.

21 Q. Are these some of the closets that you mentioned before?

22 A. Yes.

23 Q. Special Agent McNamara, you said some documents were
24 recovered that day; is that correct?

25 A. Yes.

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McNamara - Direct

1 Q. Did you review the documents?

2 A. No.

3 Q. Did other members of the team?

4 A. No.

5 Q. What happened to the documents after they were collected on
6 March 15, 2023, do you know?

7 A. They were collected, they were packaged, and they were
8 handed over to New York.

9 Q. And the New York field office was running this
10 investigation; is that correct?

11 A. Yes.

12 MS. SHROFF: Objection to the leading.

13 THE COURT: You can ask who was leading the
14 investigation.

15 BY MR. FINKEL:

16 Q. Special Agent McNamara, which field office, if any, was
17 leading the investigation in this matter to your understanding?

18 A. New York.

19 MR. FINKEL: We can please display what's in evidence
20 and for the witness and the jury GX CT-201. If you can go to
21 the second page, please.

22 Q. Special Agent McNamara, can you read what it says at the
23 top?

24 A. Brioni, 688 Madison Ave., New York, New York, 10065.
25 Telephone number: 212-376-5777.

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McNamara - Direct

1 Q. What does it say in that green cell at the top of the
2 chart?

3 A. Invoice from Mr. Miles Kwok bespoke order.

4 Q. Do you know what Brioni is?

5 A. No.

6 MR. FINKEL: If we can go to the next page please,
7 Ms. Loftus. Page 4, rather. Can you zoom in on that. We can
8 go to page 5, please. And if you can please pull up what's in
9 evidence as GX CT-205. I'm sorry, 207. Excuse me.

10 This should be published so the jury can see it. If
11 we can go to the next page, please. And can you zoom in at the
12 top please, Ms. Loftus.

13 Q. Special Agent McNamara, can you read up to "background"?

14 A. Execution version. Loan agreement. This agreement (this
15 agreement) is made on the 3rd day of June 2020, between GTV
16 Media Group, Inc. (the lender), a Delaware corporation with
17 office address at 162 East 64th Street, New York, New York,
18 10065, and Saraca Media Group Incorporated (the borrower), a
19 Delaware corporation with office address at 162 East 64th
20 Street, New York, New York, 10065. Each a "party together"
21 parties.

22 MR. FINKEL: Ms. Loftus, if you can go to the last
23 page of this document, please. Can you zoom in on that.

24 Q. And who is the authorized signatory according to this
25 document, Special Agent McNamara, for Saraca Media Group Inc.?

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McNamara - Direct

1 A. I'm going to mispronounce this. Qiang, Q-I-A-N-G, Guo.

2 MR. FINKEL: Thank you, Ms. Loftus.

3 If we can bring up, please, GX CT-198 for the parties
4 and the jury. And if you can go to the next page of that
5 please.

6 Q. Special Agent McNamara, can you read this document, please.

7 A. Dear Mr. Harry Eccles-Williams, I am writing this letter to
8 request and to put into consent for the release of all my files
9 from your firm to Qiang Guo as soon as possible. Most
10 importantly, the relationship between me and Appleby, the
11 relationship between Well Origin and Appleby. Thank you.
12 Yours sincere, Ho Wan Kwok.

13 MR. FINKEL: Ms. Loftus, if we can bring up, please,
14 GX CT-157 for the jury and the parties.

15 That's fine. Right there as you have it.

16 Q. Special Agent McNamara, can you read the top of that,
17 please.

18 A. G talks-program.

19 Q. Can you read down where it says 7:48 a.m.?

20 A. Welcome by host, Limarie Reyes.

21 Q. Who's Limarie Reyes?

22 A. I have no idea.

23 MR. FINKEL: We can display, please, GX CT-172.

24 That's fine, Ms. Loftus.

25 Q. Special Agent McNamara, can you read the top of GX CT-172.

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McNamara - Direct

1 A. List of do-not words dash -- slash, I'm sorry, ideas.

2 MR. FINKEL: Ms. Loftus, can you scroll down a little
3 bit.

4 Q. Special Agent McNamara, do you see where it says "loans"?

5 A. Yes.

6 Q. Can you read the words that follow "loans."

7 A. Partner or partners, growth, growth projections, venture,
8 partnership, future investment benefits, future opportunities,
9 participate/participation in business or profits, GTV, Saraca,
10 voice of Guo/voice of good (VOG), Rule of Law Foundation, Rule
11 of Law Society, Canada Himalaya, Jang Yun Fu, lewd, Yvette Wang
12 Yvette, Sarah, Mulan, SEC, investigation, litigations, golden
13 spring, regulators, DOJ.

14 Q. What is DOJ?

15 A. Department of Justice.

16 Q. What is SEC?

17 A. Securities Exchange Commission.

18 MR. FINKEL: Ms. Loftus, if we can bring up, please,
19 GX CT-174.

20 Q. Can you read where it says 8:20 a.m.

21 A. Live Q&A by Mr. Miles Guo, preselected questions.

22 MR. FINKEL: Ms. Loftus, if you can display for the
23 witness only GX CT-210.

24 Q. Special Agent McNamara, what is GX CT-210?

25 A. It's one of the photographs from the search.

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McNamara - Direct

1 MR. FINKEL: Government offers GX CT-210.

2 MS. SHROFF: Objection, your Honor.

3 THE COURT: If you'll step up, please.

4 MR. FINKEL: I can lay an additional foundation.

5 Q. How do you recognize this photograph as one of the
6 photographs from the search?

7 A. I reviewed the photographs.

8 Q. Okay. Did you see this particular area of 373 Taconic on
9 the day that the search was conducted?

10 A. I don't recollect.

11 Q. Okay. Does the FBI maintain photographs that are taken
12 during a search in the regular course of FBI's business?

13 MS. SHROFF: Objection. What the FBI generally does
14 is not relevant.

15 THE COURT: Overruled. You may answer.

16 A. Yes.

17 Q. And you said that you reviewed the photographs from the
18 search. Can you explain what you mean by that?

19 MS. SHROFF: Objection to the leading.

20 THE COURT: Overruled. You may continue.

21 A. So we had -- we maintained a copy of photographs from the
22 search. When I was asked to come here, I reviewed this to
23 refresh my memory of the search.

24 Q. And the photographs that were part of the search, are they
25 maintained in FBI's records and kept that way?

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McNamara - Direct

1 A. Yes.

2 MS. SHROFF: Objection. She has no personal
3 knowledge.

4 THE COURT: Step up.

5 (Continued on next page)

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1 (At sidebar)

2 THE COURT: So she is familiar with the photographs
3 from the search.

4 MR. FINKEL: So, your Honor, she was the team lead and
5 she's familiar with the ERT, including its recordkeeping
6 practices. For one, I think she recognizes parts of the
7 photograph, but that's neither here nor there. She can lay an
8 803(6) foundation as a photograph that was taken at the search.
9 She knows it was stored with the other photographs of the
10 search.

11 I'll lay that foundation that it was taken by someone
12 with knowledge of the matter at the time it occurred and kept
13 in the course of the FBI's business.

14 It's one photograph. We can lay the foundation.

15 MS. SHROFF: The government knows full well it has a
16 problem here. They asked me this morning to stipulate to it
17 coming into evidence and I declined because they are unable to
18 lay a foundation. The fact that --

19 THE COURT: What is wanting in the foundation?

20 MS. SHROFF: Your Honor, number one, she didn't take
21 the photograph; number two, she didn't view the evidence;
22 number three, she didn't view that particular scene; number
23 four, the only reason she's able to testify this way is
24 because of the government giving her the photos that they took
25 from other members of the FBI team and showed it to her.

1 She has zero personal knowledge of this particular
2 photograph. And nothing about a photograph being in an FBI
3 file falls under the exception of a business record. Either
4 she has personal knowledge of this or she doesn't, and clearly
5 she doesn't, your Honor.

6 Additionally --

7 THE COURT: Isn't this kept in the regular course of
8 business?

9 MS. SHROFF: It doesn't fall within that exception,
10 because the exception is supposed to capture something that is,
11 one, a business record, which this is not; this is evidence
12 gathering. And documents gathered by the FBI are by definition
13 self-serving because they are prepared in the course of a
14 litigation. But they do not technically fall within the
15 business records exception.

16 Number two, the way this photograph is taken, it is
17 not a photograph of a scene that is in the home. So what
18 they've done is they've gone through the entire house, pulled
19 out all the sunglasses, laid them on a table, and then taken a
20 photograph. You can see that clearly from the photograph and
21 from the cases that are stacked up next to them.

22 So this particular person did not do the underlying
23 search for the sunglasses, did not place the sunglasses there,
24 and she has zero personal knowledge of any of this.

25 THE COURT: But the photograph was taken during the

1 course of the search.

2 MS. SHROFF: She wouldn't know that. It could have
3 been this search, it could have been another search, it could
4 have been a search before that. She doesn't know when this
5 photograph was taken.

6 MR. FINKEL: If I may just make a few points.

7 First of all, if necessary, we can bring another
8 person to simply authenticate one photograph. The parties have
9 worked quite well in good faith on stipulating authenticity,
10 suddenly that changed this morning.

11 Number one, I believe if I ask the witness, Do you
12 recognize any components of this photograph, she will say: I
13 know the door and that was from the room.

14 A witness does not have to be the one to take a
15 photograph to get it into evidence. The witness does not have
16 to be the one to move things around if that's, in fact, what
17 happened to get it into evidence. If Ms. Shroff wants to cross
18 her on how the sunglasses were arranged, if that is, in fact,
19 correct, I don't know, she can do that. It's just an
20 admissibility question.

21 THE COURT: So she may be able to testify as to the
22 door, but she certainly can't testify as to the rest of the
23 room and how these sunglasses were positioned.

24 MS. SHROFF: We would have no objection --

25 MR. FINKEL: Excuse me.

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1 MS. SHROFF: -- to the photo of the door.

2 MR. FINKEL: Excuse me.

3 That would be appropriate cross.

4 This goes to the weight of the document. Excuse me.

5 This goes to the weight of the document, not to admissibility.

6 In either case, I can lay an 803(6) foundation. She's familiar

7 with the case file and she's familiar with how the records are

8 stored. That's one photograph. I'll just leave it at that.

9 THE COURT: So she can identify the room, but she
10 cannot identify these objects.

11 MR. FINKEL: Okay. So I'll lay an 803(6) foundation.

12 THE COURT: Okay.

13 MS. SHROFF: Your Honor?

14 THE COURT: We're done.

15 (Continued on next page)

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1 (In open court)

2 BY MR. FINKEL:

3 Q. Special Agent McNamara, when a search is conducted by the
4 FBI, what happens to the photographer's photos?

5 A. The photographer brings the -- takes the SD card out of the
6 camera, places it into a tower. It's not a computer, it's a
7 tower where you just burn -- you can do like four copies at a
8 time. So that they place that in there. We burn the copies.

9 The first copy is the original, and that goes into
10 original envelope of -- original evidence envelope, a 1A
11 envelope we call it. It gets attached to the file.

12 The second is the backup copy; that also gets put into
13 the file.

14 The third copy is one we would send to the case agent
15 for a working copy so they wouldn't have to go and remove those
16 physically from the file to review it.

17 And if there were items that were being sent to the
18 lab, we would also burn a copy to send with those items to the
19 lab for review.

20 THE COURT: I'd like you to get closer to the
21 microphone. You can bring it closer, you can sit closer. And
22 speak up.

23 Q. And the copies of photographs, which field office, if any,
24 were they sent to?

25 A. New York.

1 MR. FINKEL: We can please display, Ms. Loftus,
2 Government Exhibit GX CT-129. This is in evidence. And if we
3 can please go to page 17. I just want to make sure it's
4 published for the jury. If you can zoom in just for the top
5 half, please, Ms. Loftus.

6 (Continued on next page)

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McNamara - Direct

1 BY MR. FINKEL:

2 Q. Can you read that, please, Special Agent McNamara.

3 A. "Declaration of Trust and Agreement. The Declaration of
4 Trust and Agreement (this Trust and Agreement) is made on
5 December blank 2020, between Qiang Guo, the beneficiary, an
6 individual holding Cyprus passport number blank, residing at
7 blank, London, United Kingdom, and Kin Min Je, the Trustee, an
8 individual holding Hong Kong passport No. KJ0168411, residing
9 at 87 Balmoral House, Earls Way, London, United Kingdom, each a
10 party, together parties."

11 Q. And you can continue reading, please.

12 A. "Background. The Trustee agrees to hold the shares of the
13 following companies (each, the company, together, the
14 companies) registered in the name of the Trustee for and on
15 behalf of the Beneficiary: (1) Himalaya Currency Clearing Pty.
16 Ltd., a company registered in Australia with the company number
17 642418684; (2) Himalaya Reserves Pty. Ltd., a company
18 registered in Australia with company number 642487232,
19 Himalaya—sorry; (3) Himalaya Currency—I think it's Party—I'm
20 sorry—Ltd., a company registered in Australia, with company
21 number 643817449; (4) Major Lead International, Ltd., a company
22 registered in British Virgin Islands with company number
23 1976621."

24 MR. FINKEL: Can you zoom in, please, Ms. Loftus.

25 Q. Can you read No. 3, please, Special Agent McNamara.

1 MR. FINKEL: Ms. Loftus, if you can zoom in on No. 3.
2 A. "The Trustee further covenants with the beneficiary: (3.1)
3 to keep the company at all times solvent unless instructed
4 otherwise by the beneficiary, and to comply with all applicable
5 rules and regulations that the company requires; (3.2) to keep
6 the company active on the—on the relevant registry at all
7 times, and pay on time all applicable fees which will be
8 reimbursed by the beneficiary; (3.3) not to assign or part with
9 possession of the company to any third party without the prior
10 written approval of the beneficiary."

11 MR. FINKEL: Ms. Loftus, you can zoom out of that,
12 please, and go to the next page.

13 And the next page, please.

14 Q. And can you read the sign names, next to where it says
15 Signed.

16 A. Signed by Qiang Guo. Signed by Kin Min Je. Witnessed by
17 blank.

18 MR. FINKEL: Thank you. Ms. Loftus, you can take that
19 down.

20 Just one moment, your Honor.

21 Can you please display, Ms. Loftus, Government Exhibit
22 GX CT176.

23 Q. And Special Agent McNamara, can you read starting where it
24 says "Draw."

25 A. "Draw G—I'm sorry—G Fashion items, Designer 1 Whistle,

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McNamara - Cross

1 pants, 100, hat, 200."

2 MR. FINKEL: If you can please go, Ms. Loftus,
3 GX CT184.

4 Next page, please.

5 Keep going. Stop right there.

6 Q. What sort of document is it?

7 A. It's a vehicle title.

8 Q. What's a vehicle title?

9 A. It's—it's something that you have to—it's—shows your
10 ownership and it's registered with the state.

11 Q. What's the name of the owner listed on this?

12 A. It's Cao, C-A-O, Defeng, D-E-F-E-N-G.

13 Q. Did you see Cao Defeng or Defeng Cao on March 15, 2023?

14 A. Yes.

15 Q. And what type of car is this?

16 A. Lamborghini.

17 Q. What's the model?

18 A. Aventador.

19 Q. And what is the last four digits of the VIN, or vehicle
20 identification number?

21 A. 0393.

22 MR. FINKEL: Ms. Loftus, if you can please display
23 GX CT41.

24 Q. What are the last four digits of this vehicle
25 identification number on the Lamborghini?

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1 A. 0393.

2 MR. FINKEL: Nothing further at this time. Thank you.

3 THE COURT: Cross-examination?

4 MS. SHROFF: Thank you, your Honor.

5 CROSS EXAMINATION

6 BY MS. SHROFF:

7 Q. Good afternoon, Special Agent.

8 A. Good afternoon.

9 Q. Ms. McNamara, before March 15th, did you know anything
10 about Mr. Miles Guo?

11 A. No.

12 Q. And you prepared, I take it, right, to execute the search
13 on March 15th?

14 A. Prepared the search supplies and things of that nature,
15 yes.

16 Q. Right. And you had a plan in place, correct?

17 A. Yes.

18 Q. And prior to executing the search, you met with or emailed
19 with the members of the team that were going to accompany you,
20 correct?

21 A. Yes.

22 Q. You discussed where Mr. Guo might be on March 15th,
23 correct?

24 A. I don't believe so.

25 Q. You did not discuss where—which one of the three homes you

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McNamara - Cross

1 thought he might be in?

2 A. I don't recall that.

3 Q. Do you recall, sitting here today, on what date you started
4 preparing to execute the search?

5 A. It was either earlier that week or late the prior week. I
6 believe.

7 Q. And you emailed, did you not, with other members, including
8 somebody named Robin, correct?

9 A. I don't know who Robin is.

10 Q. Robin Cartwright?

11 A. Rachel Cartwright.

12 Q. I'm sorry?

13 A. Rachel.

14 Q. Rachel, Robin, you emailed with her, right?

15 A. Yes. She's the one that requested our assistance.

16 Q. And in emailing with her, the plan was for her to exchange
17 information with you and you to exchange information with her,
18 correct?

19 A. Information about how we were going to conduct the search,
20 yes.

21 Q. Right. And you knew you were going to search a home,
22 correct?

23 A. Yes.

24 Q. And you knew it was a large home, correct?

25 A. Yes.

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1 Q. And you knew the home could have Mr. Guo in it, correct?

2 A. Yes.

3 Q. And you were planning to arrest Mr. Guo, correct?

4 A. I was not.

5 Q. Well, somebody on your team was going to arrest Mr. Guo,
6 correct?

7 A. No one on my team does arrests. We simply do searches.

8 Q. Okay. And you testified earlier that you didn't recall
9 whether or not you anticipated where Mr. Guo would be, so let
10 me approach with something that might refresh your
11 recollection. That would be 3514-24.

12 Does that refresh your recollection, ma'am, that you
13 were anticipating Mr. Guo not being in the Connecticut home?

14 A. No.

15 Q. And it is fair to say that you interacted via email with
16 several individuals, all coordinating the search of this place,
17 right?

18 A. Yes.

19 Q. And that's 373—I have trouble pronouncing the
20 street—Taconic Road; is that correct?

21 A. Yes.

22 Q. And you wanted to go there early in the morning, correct?

23 A. Yeah. I did not choose the time.

24 Q. Okay. But in any event, you were there before 7:00; is
25 that fair to say?

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McNamara - Cross

1 A. No. We arrived around 7:00.

2 Q. And it's fair to say that the home itself is not one that
3 you had access to, correct?

4 MR. FINKEL: Objection.

5 A. I don't understand.

6 THE COURT: Overruled.

7 MS. SHROFF: I'll rephrase, your Honor.

8 Q. You couldn't get in through the gate, right? Your team
9 couldn't get in through the gate, correct?

10 A. Yes, we could. The gate was open when we arrived.

11 Q. The gate to the home was open.

12 A. Yes. When my team arrived, the gate was open.

13 Q. And how many teams preceded you?

14 A. The—the team that was doing the entry.

15 Q. The team that was doing the entry, correct?

16 A. Yes.

17 Q. And the team that was doing the entry was coordinating with
18 the team that was following, which is your team, correct?

19 A. When—when they finished their entry and it was secured,
20 they let us know that we can then proceed to the location.

21 Q. Right. And did the team that was doing the entry tell you
22 that it was Mr. Guo's daughter who let them in?

23 MR. FINKEL: Objection.

24 THE COURT: Sustained.

25 Q. When you—

1 THE COURT: You don't need to answer.

2 Q. When you entered the home, did you see Mr. Guo's daughter
3 and wife seated outside on a bench?

4 A. No.

5 Q. When was the first time you saw Mr. Guo's daughter and wife
6 in that home?

7 A. Inside the house.

8 Q. Where were they seated inside the house?

9 A. I would call it like a family room.

10 Q. And they were put there by the—by the team that entered
11 before you, correct?

12 A. I don't know. I was not there.

13 Q. You don't know because you weren't there. And when you
14 entered the house, did you go from room to room in the home?

15 A. When I first entered the house?

16 Q. Yes.

17 A. When I first entered the house, I went towards where the
18 residents were to find Supervisory Special Agent Cartwright to
19 let her know that we were there.

20 Q. Because she was the first entry team, right?

21 A. I don't know.

22 Q. You don't know who the first entry team was?

23 A. I don't know who was on the entry team. I followed the
24 entry team. That was not part of the search.

25 Q. So you followed the entry team, correct, and the entry team

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1 told you that the location was secure, correct?

2 A. We were at a staging location. When the entry team told us
3 it was secure, then we drove to the residence.

4 Q. And how many of you drove together?

5 A. I can only speak for my team. There were probably a dozen
6 of us or so.

7 Q. You just said you can only speak for your team, correct?

8 A. Right. You asked who drove together; that's who I drove
9 with, my team.

10 Q. Okay. Did any members of your team take any of the
11 photographs you testified to?

12 A. Yes.

13 Q. Okay. So we'll get to the photographs in a minute. But
14 let's just stay with your entry into the home, okay? When you
15 entered the home, it looked, as you said, like a home that was
16 lived in, correct?

17 A. Yes.

18 Q. There was food on the kitchen table, correct?

19 A. There was food, yes.

20 Q. Yes. And there were three people in the home, correct?

21 A. Yes.

22 Q. And the three people were Mr. Guo's wife, correct?

23 A. Yes.

24 Q. His daughter, correct?

25 A. Yes.

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- 1 Q. And his daughter's fiancé, correct?
- 2 A. I was told boyfriend, but yes.
- 3 Q. Okay. And did you see the boyfriend who was in crutches in
4 the bedroom or did somebody tell you about that?
- 5 A. I'm sorry. Can you repeat that.
- 6 Q. Sure. During your search did you see his daughter's
7 boyfriend?
- 8 A. Yes. They were all in that room together.
- 9 Q. Okay. And he was on crutches, correct?
- 10 A. Oh, crutches, yes. I'm sorry. I misunderstood you.
- 11 Q. That's okay. A lot of people misunderstand me.
12 But he was on crutches, right?
- 13 A. Yes, he had crutches with him.
- 14 Q. Right. And there were two dogs, two small poodle-like dogs
15 in the home, correct?
- 16 A. Yes.
- 17 Q. And they had all been placed in that one room, correct?
- 18 A. No. I took the daughter upstairs to go get the dogs.
- 19 Q. Okay. So you took the daughter upstairs so that she could
20 retrieve the dogs, and you brought his daughter back down and
21 put her back in that room, correct?
- 22 A. Correct.
- 23 Q. Okay. And you had them stay there while the rest of your
24 team searched the whole home, correct?
- 25 A. Yes.

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1 Q. Okay. You gave her a copy of the search warrant, I'm
2 assuming?

3 A. I did not.

4 Q. Okay. But she didn't stand in the way of you searching the
5 home, right?

6 A. No, she did not.

7 Q. Neither did the boyfriend who was on crutches, correct?

8 A. Correct.

9 Q. And certainly the wife didn't stand in the way, correct?

10 A. Correct.

11 Q. His wife is about 60 years old; is that right?

12 A. I have no idea.

13 Q. Wasn't she nervous when you watched her?

14 A. I didn't watch her. I—I saw her for—briefly. I spoke
15 with the daughter, I took her to get the dogs, brought them
16 back down, I let her know that, you know, if she needed to
17 bring them out, to feed them, it's not a problem, just let us
18 know, and then we proceeded.

19 Q. And then you started to search the house. You said there
20 were at least about 20 other people, correct?

21 A. Yeah. Oh, at least.

22 Q. Okay. And when you say at least, were there more than 20?

23 A. I think we had approximately 40 people searching.

24 Q. Okay. So you had 40 people searching, three residents in
25 the home, right?

1 A. Yes.

2 Q. And nobody interfered with your search.

3 A. No.

4 Q. Okay. At the time that you executed the search at
5 373—that's what I'm going to call it, okay—did you know how
6 many other homes Mr. Guo had?

7 A. No.

8 Q. Did you know he had a home in New York City?

9 A. I know that they were doing other warrants at the same
10 time. I'm not sure which homes he owned or where he lived.

11 Q. Okay. At the time that you executed the search did you
12 know Mr. Guo to have a lawyer?

13 A. I have no idea.

14 MR. FINKEL: Objection.

15 THE COURT: Overruled.

16 Q. At the time that you went to search Mr. Guo's home, did you
17 know anything about his status in the United States?

18 MR. FINKEL: Objection.

19 THE COURT: If you'll step up, please.

20 (Continued on next page)

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1 (At the sidebar)

2 THE COURT: So this is beyond the direct.

3 MS. SHROFF: I'm happy to call her as my own witness
4 then, your Honor. But I'm allowed to have some latitude about
5 what she knew when she executed the search warrant. I'd be
6 happy to be more constrained, your Honor, but—

7 THE COURT: So whether he had a lawyer, I allowed
8 that, but now going into his immigration status, I think that's
9 just going beyond.

10 MS. SHROFF: Well, she took—she took hundreds of
11 documents from his home. I'm entitled to ask what other
12 documents she took and what other documents he elicited
13 testimony about.

14 THE COURT: Are there documents that relate to his
15 immigration status?

16 MR. FINDEL: I don't know, but I understood from their
17 response to our letter the other night that his immigration
18 status is not at issue and it isn't—it's irrelevant. And I
19 also understood from your Honor's ruling the presence of
20 lawyers is not something that the defense was going to dwell
21 on, nor should they suggest, by implying to the jury that
22 Mr. Guo had a lawyer, somehow the search was improper. The
23 search was proper. It was judicially authorized.

24 MS. SHROFF: Your Honor, asking if somebody has a
25 lawyer does not imply that a search is improper, number one.

1 Number two, she recovered documents. If they want to
2 cherry pick as to what they put in, I'm allowed to explore what
3 else was out there. We have no interest, and, you know, the
4 immigration issue—

5 THE COURT: You can ask whether or not there were
6 documents related to immigration status.

7 MS. SHROFF: Right. And that shows that a person
8 lived in their home; personal documents were in his home.
9 My—the point of my cross is to show that's his residential
10 home. I'm not seeking to present a defense that he has an
11 immigration consequence through this conviction, which is what
12 the brief was about, so I don't know why that's being brought
13 up here. Totally irrelevant.

14 THE COURT: So there's no dispute as to whether or not
15 it was used as a home, is there?

16 MS. SHROFF: Oh, yes. Their argument is that Mahwah
17 was also a home, and I'm trying to show this was his home
18 alone, nothing that is recovered here is anywhere comparable to
19 anything recovered in Mahwah. I am entitled to show that.

20 THE COURT: So you're saying this is his principal
21 home?

22 MS. SHROFF: His only residential home.

23 THE COURT: Okay. Well, she can bring out some
24 evidence on that issue.

25 MR. FINKEL: Certainly. It shouldn't suggest

1 immigration status. Immigration status is not something that's
2 relevant.

3 MS. SHROFF: We're not talking about a status. I have
4 a status, you have a status. I'm an American passport holder.
5 That's my status. If my passport is in my home, it's more
6 likely it's my home, it's less likely it's your home, right?

7 MR. FINKEL: I completely agree the passport is—

8 THE COURT: Sure. But you were asking about his
9 immigration status.

10 MS. SHROFF: I'll move from there and ask him if she
11 found some immigration-related document or his immigration
12 paperwork, his identity card, his wallet. I'm entitled to ask
13 all of that.

14 MR. FINKEL: Your Honor, no objection to identity
15 card, no objection to wallet. My objection is for 402, 403
16 reasons to immigration documents and immigration status.
17 That's not appropriate. It's not relevant. I have no issue
18 with them exploring personal effects that were there. That's
19 fine. But—

20 MS. SHROFF: We're not arguing he's going to be
21 deported or anything like that. We're just trying to show that
22 he had immigration paperwork at his home.

23 THE COURT: But ask for a passport as opposed to, do
24 you know what his immigration status was.

25 MS. SHROFF: Sure. I'd be happy to rephrase.

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McNamara - Cross

1 THE COURT: Thank you.

2 (In open court)

3 THE COURT: Objection is overruled.

4 BY MS. SHROFF:

5 Q. Agent McNamara, how many hours did you spend searching the
6 home?

7 A. None. I didn't search.

8 Q. Okay. You simply supervised the search, correct?

9 A. Correct, mm-hmm.

10 Q. And you were directly supervising how many people?

11 A. Approximately 40.

12 Q. 40 people, correct?

13 A. Mm-hmm.

14 Q. And 40 people were given the task of searching different
15 parts of the home, correct?

16 A. Yes.

17 Q. Every bedroom was searched, correct?

18 A. Yes.

19 Q. Every living room was searched, correct?

20 A. Yes.

21 Q. Closets were searched, correct?

22 A. Yes.

23 Q. Bathrooms were searched, correct?

24 A. Yes.

25 Q. Okay. So in the closets, and it's—if I could please

1 have—actually, I rephrase that.

2 You were shown pictures of the closet, correct?

3 A. Yes.

4 Q. And in the closet there were white shirts hanging, correct?

5 A. Yes.

6 Q. Shoes?

7 A. Yes.

8 Q. Other men's clothing, correct?

9 A. Yes.

10 Q. And did you know who those clothing belonged to?

11 A. No.

12 Q. Did you make any effort to find out whose clothing they
13 were?

14 A. No, that's not part of the search.

15 Q. Okay. And then you searched the kitchen, correct?

16 A. Yes.

17 Q. The kitchen was an average kitchen with kitchen-related
18 things in it, correct?

19 A. It was a very nice kitchen with kitchen-related things in
20 it, yes.

21 Q. Okay. But there was food there on the counter, correct?

22 A. There was food. I don't recall specifically what the food
23 was.

24 Q. Okay. And after you searched the kitchen, you searched the
25 other rooms, correct?

1 A. I did not search.

2 Q. Well, you testified to a lot of photographs during the
3 search, so I apologize.

4 You supervised the search where those rooms were
5 searched, correct?

6 A. Yes, ma'am, yes.

7 Q. Okay. Let's take a look at the photographs of the garage,
8 shall we, so that we can talk about that red Lamborghini.

9 Did you enter the garage to look for the red
10 Lamborghini?

11 A. I entered through the garage but not to look for the
12 Lamborghini.

13 Q. And is it fair to say that you had emailed with your team
14 about a search warrant for that particular Lamborghini,
15 correct?

16 A. The seizure warrant for the Lamborghini was included, yes.

17 Q. You emailed about the seizure warrant, correct?

18 A. I emailed the entire team, the search warrant and the
19 seizure warrant.

20 Q. Okay. And you had the seizure warrant for the car
21 separately discussed, right? It was an important issue for
22 you, correct?

23 MR. FINKEL: Objection. Vagueness.

24 THE COURT: What is the question?

25 Q. Sure. You were specifically told to look for a red

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McNamara - Cross

1 Lamborghini, correct?

2 A. No. It was—we had a seizure warrant for the Lamborghini,
3 but nobody said: Make sure you find the Lamborghini.

4 Q. Okay. So there was a specific seizure warrant for the car,
5 the Lamborghini, right?

6 A. Yes.

7 Q. You were told it was red, correct?

8 A. I don't recall.

9 Q. Okay.

10 A. I know it had the VIN number on the seizure warrant. I
11 don't recall if it had the color.

12 MS. SHROFF: Okay. If I could just have 95 pulled up,
13 please.

14 Q. And that's the car. Did you actually view the car in this
15 state?

16 A. I'm sorry. I don't understand. The state? In
17 Connecticut, is it?

18 Q. No. I mean covered.

19 A. Oh, no.

20 Q. You didn't see it when it was covered, correct?

21 A. No, I did not. That's one of the entry photos.

22 Q. Okay. And the person who took this photo, this is how they
23 found the car, correct?

24 A. Yes.

25 Q. The car was covered with this black thing on the top,

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McNamara - Cross

1 correct?

2 A. Yes.

3 Q. And it's plugged into—there's a wire going into the car,
4 correct?

5 A. Yes.

6 Q. And then the wire is plugged in, correct?

7 A. Yeah, it looks plugged in.

8 Q. Right. I don't drive so I don't know, but does that mean
9 the car is charging?

10 A. I would—I believe that's to keep the battery charged.

11 Q. To keep the battery charged, correct?

12 A. Yes.

13 Q. Okay. And this was one of many garages that was there,
14 correct?

15 A. There were two garages.

16 Q. Right. And in this garage then there's somebody who's
17 obviously working out so there's some kind of workout equipment
18 on the right, correct?

19 A. Yes.

20 Q. And then this is usual stuff you would find in somebody's
21 home, right?

22 MR. FINKEL: Objection as to the form.

23 THE COURT: Overruled. You may answer.

24 A. Yes, it's typical items from a garage.

25 Q. The garage wasn't locked, correct?

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McNamara - Cross

1 A. I don't know that.

2 MS. SHROFF: Okay. And then if I could have the
3 uncovered version of the car, please.

4 Q. And that's what the car looked like, correct?

5 A. Yes.

6 Q. Okay. And you see that little white thing on the hoodie
7 part?

8 A. Yes.

9 Q. What's that for?

10 A. I don't know.

11 Q. Okay. Did you search the car at all?

12 A. I did not.

13 Q. Did you talk to or—talk to the person who you were
14 supervising that was searching the car?

15 A. Yes.

16 Q. Okay. And did they tell you if they found a driver's
17 license in the car?

18 A. They did not.

19 Q. Did they tell you if they found anything related to Miles
20 Guo in the car?

21 A. No.

22 Q. Did they tell you they found his clothing in the car?

23 A. No.

24 Q. Did they tell you they found anything in the car?

25 A. No.

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McNamara - Cross

1 MS. SHROFF: And let me see if I could just get those
2 keys, please.

3 Q. This is Government Exhibit 36, correct? You testified
4 about these keys?

5 A. Yes.

6 Q. Okay. You didn't recover the keys, right?

7 A. I did not.

8 Q. You don't know who recovered the keys, correct?

9 A. I—there were two searchers in that room. I don't recall
10 which one recovered the keys.

11 Q. Okay. So somebody gave you the keys and here they are in
12 the courtroom, correct?

13 A. Yes.

14 Q. Okay. And you testified to these keys, right?

15 A. Yes.

16 Q. Okay. And you testified to them because the government
17 showed them to you when you were preparing for your testimony
18 here today, correct?

19 A. I don't understand the question. I'm sorry.

20 Q. Sure. They showed you these keys when they prepped you,
21 right?

22 A. They showed me these keys, yes.

23 Q. And they prepped you, right, for your testimony here today?

24 A. Sure, yes.

25 Q. You met with them several times, right?

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McNamara - Cross

- 1 A. Yes.
- 2 Q. You met with them this morning, correct?
- 3 A. Yes.
- 4 Q. Twice this morning, or once? How many times?
- 5 A. Once, I believe.
- 6 Q. You believe once?
- 7 A. I believe once, yes.
- 8 Q. Okay. And then they told you to come in early so that they
9 could prep you, right?
- 10 A. I believe so.
- 11 Q. They sent you a text?
- 12 A. Text or an email. I'm not sure.
- 13 Q. All right. Well, here, let me help you out.
- 14 A. Okay.
- 15 Q. Did you keep a note of how many times it is you met with
16 these prosecutors to prepare for your testimony here today?
- 17 A. No.
- 18 Q. Do you know if it was more than five times?
- 19 A. I don't know.
- 20 Q. How many times in the last two days did you meet with them;
21 do you remember?
- 22 A. I don't know if I met with them yesterday.
- 23 Q. Let me talk to you a little bit about these keys.
- 24 A. Mm-hmm.
- 25 Q. I'm going to leave them right here.

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McNamara - Cross

1 There's an evidence tag on those keys, correct?

2 A. There's a tag. I'm not sure what—what kind of tag this
3 is.

4 Q. Okay. But it's a tag put on by your people, right? That
5 tag wasn't on the keys when you first—when you got the keys,
6 right?

7 A. I have no idea who put this tag on. They were not on the
8 keys at the time.

9 Q. Okay. And the keys were just exactly like the way you see
10 them in their envelope, right?

11 A. I—I don't know.

12 Q. You don't know if it had a keychain on it, correct?

13 A. I don't know.

14 Q. You don't know if it had a nametag on it, correct?

15 A. I don't know.

16 Q. When was the first time the prosecutor showed you those
17 keys?

18 A. Today.

19 Q. This morning.

20 A. Yes.

21 Q. Okay. And he showed you those keys and he told you you
22 were going to testify to them, correct?

23 A. He asked me about the keys.

24 MS. SHROFF: Okay. See if this refreshes your
25 recollection.

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McNamara - Cross

1 MR. FINKEL: Your Honor, there's no failure of
2 recollection. Objection.

3 MS. SHROFF: I believe she couldn't remember—

4 THE COURT: No, she did not say she could not recall.
5 Sustained.

6 BY MS. SHROFF:

7 Q. You testified earlier that you couldn't recall, right,
8 whether it was by email or by text that they asked you to come
9 in this morning?

10 A. Yes.

11 Q. Okay. Does that refresh your recollection, ma'am?

12 A. Yes, it looks like a text.

13 Q. Okay. And they texted you to come in early so they could
14 prepare you, correct?

15 A. Yes.

16 Q. Okay. And you came in early 'cause you wanted to be
17 prepared for testimony here today, right?

18 A. That, and it's two—it's two and a half hours to get here
19 from Connecticut, so I had to be here before the traffic.

20 Q. Okay. But you met with them, right?

21 A. Yes.

22 Q. Okay. And they asked you about those keys, correct?

23 A. Yes.

24 Q. They asked you who recovered them and you said, I don't
25 know, correct?

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McNamara - Cross

1 A. Correct.

2 Q. And they asked you where they were recovered and you said,
3 I don't know, correct?

4 A. I know which room they were in. I said it was the room
5 that—where it had—it's like an office and it had cam—display
6 monitors with—for the security cameras.

7 Q. And the security, that's where you were told that the keys
8 were put, correct?

9 A. That's where the keys were found.

10 Q. Okay. So the keys were not found in the garage where the
11 car was, correct?

12 A. Correct.

13 Q. They were not found inside the car where one would leave
14 them if they used the car every day, correct?

15 MR. FINKEL: Objection, as to form.

16 THE COURT: Sustained.

17 Q. Were they found inside the car?

18 A. No.

19 MS. SHROFF: If you could just show her, please, and
20 the jury, No. 95.

21 Q. Did somebody actually drive the car out of the garage when
22 they seized it?

23 A. I don't know.

24 MS. SHROFF: If somebody could please put up 58.

25 Q. You testified as to this photograph, correct?

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McNamara - Cross

1 A. Yes.

2 Q. And could you tell me, please—on the right side you see a
3 flag, correct?

4 A. Yes.

5 Q. Did you know what that flag was for?

6 A. No. I have no idea.

7 Q. Was there a nametag on the flag?

8 A. I don't know.

9 Q. Was there a notation New Federal State of China anywhere
10 telling you about that flag?

11 A. I don't know anything about this flag.

12 Q. Okay. Look on the left side of that photograph, please.
13 Do you see that big yellow—the big white round thing?

14 A. Yes.

15 Q. What was that?

16 A. I don't know.

17 Q. That's something that was used to broadcast with; is that
18 correct?

19 A. I don't know.

20 MS. SHROFF: Okay. Could you zoom out, please.

21 Q. Did you conclude that this was an office space or a working
22 space?

23 A. It looks to me like some type of studio-type setup.

24 Q. It looked like a recording studio, correct?

25 A. Something like that, yes.

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McNamara - Cross

1 Q. It looked like a place from where someone would broadcast,
2 correct?

3 A. Yes.

4 MS. SHROFF: May I please have No. 59.

5 Q. Okay. This is a better picture, perhaps.

6 So there's recording equipment right there, correct?

7 A. Yes.

8 Q. There's a computer monitor, correct?

9 A. Yes.

10 Q. A chair?

11 A. Yes.

12 Q. And during your search did you try to find out if these
13 were working equipment?

14 A. No.

15 Q. Okay. Thank you very much.

16 MS. SHROFF: May I have 83, please.

17 Q. Now you testified about certain documents that the
18 government had you read, right?

19 A. I read them.

20 Q. Right. You read them out loud, the loan agreements,
21 correct?

22 A. Yes.

23 Q. Okay. How much paperwork did your team recover from that
24 home?

25 A. Printed paper?

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McNamara - Cross

- 1 Q. Yes.
- 2 A. Not a lot.
- 3 Q. Not a lot?
- 4 A. No.
- 5 Q. Okay. There was a loan agreement that you read out loud
6 for him, correct?
- 7 A. Yes.
- 8 Q. Okay. Did you know what the loan agreement was about?
- 9 A. No.
- 10 Q. Do you know where the loan agreement was kept?
- 11 A. No.
- 12 Q. Do you know who kept the loan agreement in which room?
- 13 A. No.
- 14 Q. Do you know if it was Mr. Guo's room?
- 15 A. No.
- 16 Q. Do you know if it was even in the kitchen or the toilet,
17 you have no idea where it was, right?
- 18 A. We could—you could go back to the—the evidence log.
- 19 Q. Do you know?
- 20 A. Do I know? No. I did not search.
- 21 Q. Okay. And you testified and read documents that the
22 government asked you to read, correct?
- 23 A. Yes.
- 24 Q. You'd never read them before, correct?
- 25 A. Correct.

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McNamara - Cross

1 Q. You didn't choose which documents to read to the jury,
2 correct?

3 A. I did not.

4 Q. You don't know what other documents were recovered in the
5 home 'cause you didn't do the search, correct?

6 A. That's correct.

7 Q. Okay. You didn't recover Mr. Guo's wallet in there,
8 correct?

9 A. I don't recall a wallet being found.

10 Q. Passport?

11 A. No.

12 Q. Sitting here today, do you recall if there was even a
13 driver's license in his name?

14 A. I don't know.

15 Q. How about a learner's permit?

16 A. No, I did not see any of that.

17 Q. So your memory is basically limited to what the government
18 showed you to prepare you for the trial here today.

19 MR. FINKEL: Object to form.

20 THE COURT: You may answer.

21 A. No. I remember what I did when I was there.

22 Q. Right. But all you did was supervise, right?

23 A. That's correct.

24 Q. You're not the one who searched for anything at all,
25 correct?

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McNamara - Cross

1 A. That's correct.

2 Q. You recovered none of the things that you've testified to
3 today, including the keys, correct?

4 A. That's correct.

5 Q. You testified about a suit with the name Brioni on it,
6 correct?

7 A. I think it was a paper, piece of paper.

8 Q. Do you remember testifying about a hanger with the name
9 Brioni on it?

10 A. I saw the picture. I don't think I was asked about that.

11 Q. Okay. Do you know what Brioni is?

12 A. I have no idea.

13 Q. Do you know if there were suits recovered in that home,
14 men's suits?

15 A. Suits were not on the list of items to be seized. We
16 didn't take any clothing.

17 Q. My question was in—okay. Did you see any of the suits?

18 A. Yes.

19 Q. Okay. Did you know how old they were?

20 A. No.

21 Q. Do you know if they were from 2010, versus 2020?

22 A. No.

23 Q. Do you know if they were his suits or somebody else's
24 suits?

25 A. No.

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McNamara - Cross

1 Q. Now you remember reading a document from which they made
2 you read names and then you read something called Voice of Guo,
3 Voice of Good, correct?

4 A. Yes.

5 Q. Okay. Do you know what that meant?

6 A. No.

7 Q. Do you know what Voice of Guo is?

8 A. No.

9 Q. Do you know what Voice of Good is?

10 A. No.

11 Q. Do you know what Saraca is?

12 A. No.

13 Q. This is the hanger I'm talking about. You testified as to
14 this hanger, right, this photograph?

15 A. I saw the photograph. I—yes.

16 Q. Right. You never saw the hanger, though, right?

17 A. I did not.

18 Q. Okay. So you're only testifying here about the photographs
19 that somebody else took and gave to you, correct?

20 A. Yes.

21 MS. SHROFF: Okay. May I have, please, No. 176.

22 Q. Okay. You testified about this document, correct?

23 A. Yes.

24 Q. Mr. Finkel asked you to read it out loud and you read it
25 out loud to the jury, correct?

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McNamara - Cross

1 A. Correct.

2 Q. Okay. What does it mean Designer No. 1 Whistle?

3 A. I have no idea.

4 Q. Pants 100, do you know what it means?

5 A. I do not.

6 Q. Hat 200, do you know what it means?

7 A. I do not.

8 Q. Sitting here today, do you know if these pants and hats
9 were supposed to be part of a swag bag?

10 A. No.

11 Q. You don't know anything about what you read to the jury,
12 correct?

13 A. That's correct.

14 Q. All you can tell them is that there was this piece of paper
15 found by somebody in your team and they took a photograph, and
16 you recited that to the jury.

17 MR. FINKEL: Objection as to form.

18 THE COURT: Overruled. You may answer.

19 A. I apologize. I've already forgotten the question.

20 Q. All you know is that somebody took a photograph, they took
21 that photograph that you then looked at, the government had you
22 read out loud to this jury and you did that, correct?

23 A. Yes.

24 Q. Okay. Could I have 184, please.

25 You see that yellow sticky on this exhibit that you

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McNamara - Cross

1 testified about?

2 A. Yes.

3 Q. "For Matthew, new insurance cards for all four vehicles
4 effective," or "effect 4/1/20," correct?

5 A. Yes.

6 Q. Do you know who wrote that Post-it?

7 A. No.

8 MS. SHROFF: And if you scroll down, please.

9 Q. That's the entire document, right?

10 A. I don't know.

11 Q. You don't know if these documents were recovered together,
12 correct?

13 A. I don't know.

14 Q. You don't know if they were in one place together, correct?

15 A. I don't know.

16 Q. You don't know who filled out the documents, correct?

17 A. Who filled out—I don't understand, who filled out.

18 Q. You don't know whose handwriting is anywhere on these
19 documents.

20 A. Oh, no.

21 Q. Somebody showed you a photograph, you're testifying about
22 the photograph, right?

23 A. Yes.

24 MS. SHROFF: Okay. You can take that down.

25 If I could just have 393.

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McNamara - Cross

1 MR. FINKEL: I don't believe 393 is in evidence.

2 MS. SHROFF: Okay. 174.

3 Q. You see this document? You also testified to this,
4 correct?

5 A. Yes.

6 Q. Lies told by Miles Guo. You have no idea what date they're
7 talking about, correct?

8 A. Correct.

9 Q. You don't know what questions and answers this is about,
10 right?

11 A. Right.

12 Q. You don't know who has preselected questions or what they
13 are, right?

14 A. Correct.

15 Q. You just got up there and read it to the jury because he
16 told you to, right?

17 A. That's what I was asked to do, read it.

18 MS. SHROFF: Okay. And could we scroll down.

19 Q. This is the full page, right? Do you know where it was
20 recovered from?

21 A. No.

22 MS. SHROFF: Okay. You may take that down.

23 If I could have 129.

24 Q. You testified to this document?

25 A. I don't recall.

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McNamara - Redirect

1 Q. Okay. Then we can take it down.

2 Is it fair to say, Agent McNamara, that your job was
3 limited to receiving whatever other people in that house were
4 looking for and giving to you?

5 MR. FINKEL: Object as to form.

6 THE COURT: I did not hear that.

7 MR. FINKEL: Objection as to form.

8 THE COURT: Overruled. You may answer.

9 A. Nobody gave me anything. I managed the search. The
10 searchers searched, the photographers took the photographs,
11 they entered the items into our evidence list so we had a list
12 of what was taken, and they packaged it. They didn't hand them
13 to me to do that.

14 Q. Okay. Fair enough. And the search you said took four
15 hours, right?

16 A. Approximately four hours, yes.

17 Q. Nobody bothered you during your search, correct?

18 A. No.

19 Q. And then the search was complete, you left?

20 A. Completely?

21 Q. When the search was complete, you left, right?

22 A. Yes.

23 MS. SHROFF: Okay. Thank you very much.

24 THE COURT: Redirect?

25 MR. FINKEL: Very briefly.

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McNamara - Redirect

1 REDIRECT EXAMINATION

2 BY MR. FINKEL:

3 Q. Special Agent McNamara, what was the role of you and your
4 team on March 15, 2023?

5 A. To help execute the search warrant.

6 Q. And when documents or physical items are recovered from a
7 search, what, if anything, does the FBI do to keep track of
8 where those materials come from?

9 A. So they're seized by the seizing agent, and then it starts
10 a chain of custody.

11 Q. And can you explain a little bit about how it's tracked
12 where particular materials are recovered from.

13 Like which room, for example.

14 A. Oh, sure. So when someone finds an item in a room, we send
15 the photographer, they take a photo in place. When we do our
16 photos, we give each room a letter, so when that item is
17 recovered, we'll say, give a description of the item, say, you
18 know, cellphone serial number so and so was located in room B
19 on desk. And then we put the people who—the two people who
20 actually found and witnessed that item.

21 Q. And was that procedure followed on March 15, 2023?

22 A. Yes.

23 Q. And Special Agent McNamara, when the FBI leaves, what
24 precautions or what's the policy and procedures right before
25 leaving? What does the FBI do?

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McNamara - Redirect

1 A. With the evidence?

2 Q. The evidence and the photographs.

3 A. Oh. So there is a seizing agent, so there's one person
4 that takes custody of the evidence, and they start the chain of
5 custody, and they bring that evidence to the evidence room,
6 where it gets logged in and put into the case file. The
7 photographs, like I—I believe I said earlier, the photographer
8 takes the SD card and burns it directly to disks, so we don't
9 put it in a computer first, and then we make an original copy
10 that goes into the case file, a backup of the original copy
11 into the case file, a copy for the case agent, and then, should
12 we need another copy for the lab, or for sending stuff to
13 forensics, for forensics, then we make a fourth copy.

14 Q. Special Agent McNamara, do you know what stats FBI, the New
15 York FBI investigative team, took prior to the search on
16 March 15, 2023, with respect to this case?

17 A. No.

18 Q. Do you know what steps FBI—what investigative steps they
19 took after March 15th of 2023?

20 A. No.

21 Q. Do you know if the case agent—what's a case agent?

22 A. It's usually—there's usually one, sometimes more, assigned
23 as the—the responsible person for that case.

24 Q. And do you know if the case agents—are you a case agent on
25 this case?

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McNamara - Recross

1 A. No.

2 Q. Do you know if the case agents know what Saraca means?

3 A. I have no idea.

4 Q. Do you know if the case agents have reviewed those
5 documents?

6 A. I don't know.

7 Q. And discussed them with the U.S. Attorney's Office?

8 A. I don't know.

9 Q. Whether the case agents have gotten other search warrants?

10 MS. SHROFF: Your Honor, the case agent isn't
11 testifying here today.

12 THE COURT: He's asked whether she knows what the case
13 agent has done or not done. She may answer.

14 A. I do not know.

15 Q. And Special Agent McNamara, aside from the search March 15,
16 2023, do you have any other involvement in this matter?

17 A. No.

18 MR. FINKEL: Thank you, Special Agent McNamara.

19 THE COURT: Recross?

20 MS. SHROFF: Very briefly.

21 RECCROSS EXAMINATION

22 BY MS. SHROFF:

23 Q. You took every precaution to make sure that the evidence
24 was properly documented, correct?

25 A. Yes.

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McNamara - Recross

1 Q. And you made sure to take photographs of the evidence,
2 correct?

3 A. Yes.

4 Q. Or had the photographs taken, correct?

5 A. Yes.

6 Q. And then you made sure those photographs were properly kept
7 in a file, correct?

8 A. Yes.

9 Q. And after taking all of those steps, when you reviewed the
10 evidence, there was nothing with a singular name tied to that
11 Lamborghini that involved Miles Guo, correct?

12 MR. FINKEL: Objection.

13 THE COURT: If you know the answer, you may answer.

14 A. I do not know.

15 Q. There was not a single title to the Lamborghini in Miles
16 Guo's name, correct?

17 A. I don't know.

18 Q. You read the title, didn't you?

19 A. I read that title. I don't know if there were other
20 titles. I don't know.

21 Q. So you are only—your knowledge for this jury is only
22 limited to what he told you to testify about.

23 A. No.

24 Q. Well, you tell me. If you know more and you took all these
25 detailed steps, could you tell this jury if you recovered any

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McNamara - Redirect

1 singular document linking the Lamborghini to Miles Guo?

2 A. I do not know.

3 Q. You didn't find anything linking the cars to the
4 Lamborghini to Miles Guo.

5 A. The cars to the Lambor—

6 Q. The keys.

7 A. Oh, the keys. I thought you said cars. No.

8 Q. And nothing in the car, not a single piece of clothing, not
9 a driver's license, linked that car to Miles Guo, correct?

10 A. Not that I'm aware of.

11 Q. Well, you can only testify to what you're aware of, ma'am.

12 A. Right.

13 Q. That's a no. The answer is no? Is the answer no?

14 A. I've forgotten the question now.

15 Q. There is nothing that you found linking that Lamborghini to
16 Miles Guo, correct?

17 A. Nothing of the search of 373, correct.

18 Q. That's where the car was, correct?

19 A. Yes.

20 Q. Thank you.

21 MR. FINKEL: One question.

22 THE COURT: Re-redirect?

23 REDIRECT EXAMINATION

24 BY MR. FINKEL:

25 Q. Special Agent McNamara, do you know if the FBI New York

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Bonsukan - Direct

1 team has a video, or recovered a video of Miles Guo driving the
2 Lamborghini that was found at 373 Taconic on March 15, 2023?

3 A. I do not know.

4 MR. FINKEL: Nothing further.

5 THE COURT: Re-recross?

6 RE-CROSS EXAMINATION

7 BY MS. SHROFF:

8 Q. Driving a car doesn't mean you own a car, correct? As a
9 Special Agent you'd be able to testify to that, right?

10 A. Yes.

11 MS. SHROFF: Thank you.

12 THE COURT: Thank you. You may step out. And the
13 government may call its next witness.

14 (Witness excused)

15 MS. MURRAY: Thank you, your Honor. The government
16 calls Louie Bonsukan.

17 THE LAW CLERK: Please raise your right hand.

18 (Witness sworn)

19 THE COURT: Please state your name and spell it.

20 THE WITNESS: My name is Louie Bonsukan. It's
21 L-O-U-I-E, last name, Bonsukan, B-O-N-S-U-K-A-N.

22 THE COURT: You may inquire.

23 MS. MURRAY: Thank you, your Honor.

24

25

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Bonsukan - Direct

1 LOUIE BON SUKAN,
2 called as a witness by the Government,
3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. MURRAY:

6 Q. Good afternoon, Mr. Bonsukan.

7 A. Hello.

8 Q. What kind of work do you do?

9 A. I'm the finance director for Lamborghini Dallas.

10 Q. And what are your duties and responsibilities as the
11 finance director at Lamborghini Dallas?

12 A. I help facilitate the paperwork on a sale of a vehicle.

13 Q. How long have you worked at Lamborghini Dallas?

14 A. A little over 13 years.

15 Q. Approximately how many Lamborghinis does Lamborghini Dallas
16 sell in a given month, on average?

17 A. Probably an average of 35 cars a month.

18 Q. I'd like to direct your attention to September of 2021.

19 Were you involved with the sale of a Lamborghini in that month
20 to a customer known as G/CLUBS?

21 A. Yes.

22 Q. What was your role in that sale?

23 A. I helped facilitate the paperwork on that sale with the
24 customer.

25 MS. MURRAY: Ms. Loftus, if you could please show the

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Bonsukan - Direct

1 witness what's been marked as Government Exhibit BR460. And
2 scroll through page 2 and beyond.

3 Q. Mr. Bonsukan, do you recognize Government Exhibit BR460?

4 A. Yes.

5 Q. Have you reviewed this exhibit before?

6 A. Yes.

7 Q. Generally speaking, what is in Government Exhibit BR460?

8 A. It's a motor vehicle buyer's order. It basically shows the
9 sale of the vehicle and who sold it.

10 MS. MURRAY: And just scrolling through a couple of
11 the other pages of this exhibit, Ms. Loftus.

12 Q. At a high level, Mr. Bonsukan, are these business records
13 of Lamborghini Dallas?

14 A. Yes.

15 Q. Are you familiar with these types of documents?

16 A. Yes.

17 Q. Fair to say it's a regular part of your business to receive
18 and maintain these documents?

19 A. Yes.

20 MS. MURRAY: Your Honor, the government offers
21 Government Exhibit BR460.

22 MS. SHROFF: We have no objection, your Honor.

23 THE COURT: It is admitted.

24 (Government's Exhibit BR460 received in evidence)

25 MS. MURRAY: Ms. Loftus, can you please publish

1 page 2.

2 THE COURT: And Mr. Bonsukan, if you would raise your
3 voice and speak into the microphone.

4 THE WITNESS: Yes, ma'am. Yes, your Honor.

5 MS. MURRAY: And if we could zoom in on the top
6 portion, please, Ms. Loftus.

7 BY MS. MURRAY:

8 Q. All right. Mr. Bonsukan, this is one of the business
9 records of Lamborghini Dallas. What is this particular
10 document?

11 A. The motor vehicle buyer's order.

12 Q. And looking on the left, who was the seller for this
13 particular car?

14 A. Lamborghini Dallas.

15 Q. And the buyer?

16 A. The buyer is G Club International Ltd.

17 Q. What is the date of this buyer's order?

18 A. September 13, 2021.

19 Q. I want to look now on the left, the Description of Sale
20 Unit. Can you describe for the jury what type of Lamborghini
21 this was.

22 A. It's a Lamborghini Aventador SVJ Roadster.

23 Q. Looking to the right, what color was that Lamborghini
24 Aventador?

25 A. It's red.

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1 Q. And there's a field call Stock No., or stock number. What
2 information is reflected there?

3 A. The stock number is a number that we give a—as a
4 dealership to a particular vehicle that we're selling rather
5 than using a VIN number.

6 Q. So you mentioned VIN number. What's a VIN number?

7 A. The vehicle identification number, which identifies the
8 vehicle.

9 Q. Looking a bit further down on Description of Sale Unit, is
10 there a VIN number listed here for this particular Lamborghini?

11 A. Yes.

12 Q. And what are the last three digits of that VIN number?

13 A. Last three is 393.

14 Q. What year was this Lamborghini?

15 A. 2021.

16 MS. MURRAY: Ms. Loftus, if we could zoom out and then
17 zoom in on the box on the right, Price of Unit, down to the
18 bottom, please.

19 Q. Mr. Bonsukan, at the top, what is the price of this
20 particular Lamborghini?

21 A. \$829,999.

22 Q. And then looking down toward the bottom, what is the total
23 price when you add in taxes and fees?

24 A. \$832,075.

25 Q. Sorry. Could you read that amount again, please, sir.

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1 A. \$832,000.75.

2 Q. Thank you.

3 MS. MURRAY: And Ms. Loftus, if we could go to the
4 bottom of this page where there's a signature line, please.

5 Q. Mr. Bonsukan, do you recognize the seller's signature here?

6 A. Yes, that's mine.

7 Q. And what was the date that you signed this particular
8 contract of sale?

9 A. September 13, 2021.

10 MS. MURRAY: We can take that down, Ms. Loftus.

11 And let's pull up what's in evidence as Government
12 Exhibits CT38, 37, and 40.

13 Q. Mr. Bonsukan, starting here on the left, top left, with
14 Government Exhibit CT38, do you recognize the car depicted in
15 this photograph?

16 A. Yes, that's a Lamborghini Aventador.

17 Q. And what color is it?

18 A. It's red.

19 MS. MURRAY: Ms. Loftus, we can take those down, and
20 let's put up Government Exhibits CT42 and 43, please, which are
21 in evidence.

22 Q. Starting here on the left, Mr. Bonsukan, Government Exhibit
23 CT42, can you describe for the jury, please, what it is we're
24 looking at in that photograph.

25 A. This is the driver's side of the vehicle; the door, which

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1 is the scissor door, which raises up, shows the VIN plate on
2 the vehicle.

3 Q. Can you just describe a bit more about how the scissor door
4 operates, please.

5 A. So it hinges, as—the scissor door normally hinges up and
6 raises the door in this particular manner, just like this one,
7 rather than a normal door on a vehicle, which swings out, like
8 if you're opening and closing a door.

9 Q. And the VIN plate that you mentioned, where in the photo on
10 the left do we see that?

11 A. It's the black plate that's right on the—the scissor door.

12 MS. MURRAY: And Ms. Loftus, on the right where we
13 have a zoomed-in portion of that black plate, that VIN plate,
14 can we zoom in on that even further, please, the VIN number.

15 Q. Mr. Bonsukan, what are the last three digits of the VIN
16 number of this Lamborghini?

17 A. 393.

18 MS. MURRAY: Ms. Loftus, if we could now, on the left
19 side, pull up Government Exhibit BR460 at page 2, and zoom in
20 on the VIN field.

21 And then on the right photo, similarly, zoom in on the
22 VIN field.

23 Q. All right. Mr. Bonsukan, so on the top here is a zoomed-in
24 version of the VIN of the car we were just looking at
25 photographs of. Could you please read that VIN number, the

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1 vehicle identification number, into the record.

2 A. Z as in zebra, H as in Henry, W as in William, U as in
3 umbrella, N as in Nancy, Z as in zebra, D as in David, 2, M as
4 in Mary, L as in Lima, A as in alpha, 10393.

5 Q. And then looking at the one on the bottom here,
6 Mr. Bonsukan, which is from the contract of sale from
7 Lamborghini Dallas to G Club International, is that the same
8 VIN number that was on the car depicted in the photograph?

9 A. Yes.

10 Q. And based on your work at Lamborghini Dallas for the past
11 13 years or so, do you have an understanding whether VIN
12 numbers are unique to a particular vehicle?

13 A. They are.

14 MS. MURRAY: Ms. Loftus, we can take those down.

15 And let's please show the witness what's been marked
16 as Government Exhibit GX GC295, at page 10.

17 Q. Mr. Bonsukan, are you able to see what's in Government
18 Exhibit GC295 here, page 10?

19 A. Yes.

20 Q. Do you recognize it?

21 A. I do.

22 Q. How do you recognize it?

23 A. It's a—it has my name on it. It's a normal letter that I
24 send out to a client along with the documents that we send out
25 to them for signature.

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1 MS. MURRAY: Your Honor, the government offers
2 Government Exhibit GC295.

3 THE COURT: Any objection?

4 MS. SHROFF: No, your Honor.

5 THE COURT: It is admitted.

6 (Government's Exhibit GC295 received in evidence)

7 MS. MURRAY: Can we please publish that.

8 BY MS. MURRAY:

9 Q. Mr. Bonsukan, what is the date of this particular letter?

10 A. September 14, 2021.

11 Q. And to whom is it addressed?

12 A. Mr. Horan.

13 Q. Looking at the signature block here, is that your signature
14 or your electronic signature on this letter?

15 A. Yes.

16 Q. And generally speaking, what was the purpose of this
17 letter?

18 A. It basically explains, thanking the client for purchasing a
19 vehicle and then things that's needed to be done in order to
20 facilitate the paperwork and then to instruct them to FedEx the
21 documents back.

22 Q. And does this particular letter relate to the contract of
23 sale dated September 13, 2021, that we just looked at for G
24 Club International?

25 A. Yes.

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Bonsukan - Direct

1 MS. MURRAY: Ms. Loftus, let's take that down and put
2 up Government Exhibit BR460 again, at page 5, please.

3 Q. What type of document is this, Mr. Bonsukan?

4 A. This is internal record for our dealership when a—when
5 funds are received, from a client.

6 Q. And what is the date listed on the top right of this
7 particular document?

8 A. September 14, 2021.

9 Q. Looking over on the left side, it indicates Cash Received
10 From, do you see that?

11 A. Yes.

12 Q. Who sent the money to Lamborghini Dallas, as reflected
13 here?

14 A. It shows G Club Hold Co. 1, LLC.

15 (Continued on next page)

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Bonsukan - Direct

1 BY MS. MURRAY:

2 Q. And then is that crossed out in part and there is something
3 written over it?

4 A. Yes.

5 Q. What is the corrected name listed here?

6 A. G Club International LLC.

7 Q. Looking at the payment amount here just below, what is the
8 total amount of the electronic transfer from G Club
9 International?

10 A. \$832,000.75.

11 Q. And the wire detail that's in bold below, wire from, do you
12 see that?

13 A. Yes.

14 Q. Can you read what that reflects?

15 A. Wire from Mercantile Bank for G Club International Ltd.

16 MS. MURRAY: Let's go to the next page please,
17 Ms. Loftus.

18 Q. What is this, Mr. Bonsukan?

19 A. This is a wire confirmation that's emailed to me from
20 JPMorgan Chase Bank, which is our bank, that notifies when a
21 wire was received.

22 Q. And what is the date of this wire notification?

23 A. Monday, September 13th, 2021.

24 Q. Looking down at the body of this email, what bank was this
25 wire received from?

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Bonsukan - Direct

1 A. Received from the Reserve Trust Co, Greenwood Village,
2 Colorado.

3 Q. And then a few lines down, there's a beneficiary and then a
4 B/O customer. What does that reflect?

5 A. Mercantile Bank International, 644 Fernandez Juncos Avenue,
6 Third Flo, San Juan, Puerto Rico.

7 MS. MURRAY: Ms. Loftus, let's go to page 8, please.
8 If we could zoom in on the text. Thank you.

9 Q. It's a little hard to read, Mr. Bonsukan, but what kind of
10 information is reflected on this business record?

11 A. This is looks like wire instructions.

12 Q. And can you read the bank name listed at the top here?

13 A. Bank name is Reserve Trust Company.

14 Q. What about the beneficiary account name?

15 A. Mercantile Bank International.

16 Q. And finally, for further credit down at the bottom, what's
17 listed under MBI client account?

18 A. G Club International Limited.

19 Q. And if you could read the last five digits of that MBI
20 client account number for G Club International Limited?

21 A. 10103.

22 MS. MURRAY: All right. Ms. Loftus, can we please go
23 to page -- starting on page 19 of BR-460.

24 Q. Mr. Bonsukan, do you see this email that is reflected here?

25 A. Yes.

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Bonsukan - Direct

1 MS. MURRAY: If we could scroll down, Ms. Loftus.
2 This is part of a chain. We're going to start with some of the
3 earlier messages in this chain. Looking here -- thank you,
4 Ms. Loftus.

5 Q. This is an email, September 9, 2021. Can you tell us who
6 that's sent from?

7 A. It's sent from Max.

8 Q. And to whom was it sent?

9 A. To Mike Durkey.

10 Q. Who is Mike Durkey?

11 A. Previous salesperson for Lamborghini Dallas.

12 Q. After the bracket external, what is the subject line of
13 this email?

14 A. G Club Hold Co. LC732-Lambo SVJ Roadster.

15 Q. And LC 732, what does that indicate?

16 A. That's the stock number in our inventory for this
17 particular vehicle.

18 Q. Can you please read the body of this email from Max to Mike
19 Durkey at Dallas Lamborghini?

20 A. "Hi, Mike. How much is the delivery to Connecticut?"

21 Q. And there's an indication of the type of email account that
22 Max sent the email from. Can you please read that?

23 A. Sent from ProtonMail Secure Email.

24 MS. MURRAY: All right. Ms. Loftus, let's scroll up a
25 bit, please, so we go later in time in this email chain.

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Bonsukan - Direct

1 Q. All right. Starting with the email at the top there from
2 Max to Mike Durkey, can you read the content of this email,
3 please, Mr. Bonsukan?

4 A. It says: "Can you help arrange a delivery? Also, I should
5 have the resolution and driver's license tomorrow. Please hold
6 the vehicle. Thank you."

7 Q. Mr. Bonsukan, do you know what the reference to
8 "resolution" reflects?

9 A. Yes. It basically -- the resolution is it shows who the
10 directors or officers or members of a particular business.

11 Q. And in the course of a sale to a corporate entity or a
12 company, is that the type of document that Lamborghini Dallas
13 typically collects in connection with a sale?

14 A. Yes.

15 Q. Why?

16 A. We want to make sure whoever is buying the vehicle is the
17 one that's able to sign off for the vehicle.

18 MS. MURRAY: All right. Ms. Loftus, let's keep going
19 in this email chain, please. So we'll focus in from exactly
20 that through to the bottom of that email.

21 Q. So if you kind of start in the middle here, Mr. Bonsukan,
22 because this is forwarded. Start with the email from Max
23 again. This is September 10, 2021. Can you read the content
24 of that email to Mike Durkey, please.

25 A. "Hi, Mike. Attached is the passport which I'll text you

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Bonsukan - Direct

1 the password separately. Also, attached is the correct entity
2 name. Please reissue the documents with the corrected name.
3 Thank you. Kind regards, Max."

4 Q. And that email is forwarded to you which we can see at the
5 top of this portion. Do you see that, Mike Durkey to you?

6 A. Yes.

7 Q. And what does he -- what does Mike Durkey write to you?

8 A. "Passport secured by top secret password: 123456."

9 MS. MURRAY: Thank you, Ms. Loftus. If we could keep
10 going up in the chain. All right. And now I'd like to focus
11 on this bottom half from Mr. Bonsukan to a Max Krasner account.

12 Q. All right. Mr. Bonsukan, this is about a month later
13 October 19, 2021?

14 MS. SHROFF: Objection to the testifying.

15 THE COURT: You can ask him what date he sees.

16 Q. Mr. Bonsukan, can you please read the date of this email?

17 A. The date is October 19, 2021.

18 Q. Thank you. And who sent this email?

19 A. It was sent from me to Max Krasner.

20 Q. And what is the email address to which it was sent?

21 A. Max -- M-A-X-K-R-A-S-N-E-R at ProtonMail.com.

22 Q. Who's Max Krasner?

23 A. Probably one of the agents for -- that helped in regards to
24 negotiating with Mike Durkey.

25 Q. And negotiating with respect to what sale, if any?

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Bonsukan - Direct

1 A. The Aventador SVJ Roadster.

2 Q. And that was the sale to G Club; is that correct?

3 A. To G Club.

4 Q. Did you ever speak personally with Max Krasner?

5 A. No.

6 Q. Did there come a time when you communicated with Max
7 Krasner regarding the sale?

8 A. Through email.

9 Q. You could read this email that you sent to Max Krasner,
10 please.

11 A. "Hi, Max. Here are the signed copies of the buyer's order,
12 odometer, and dealer reassignment form I have received with the
13 Wilmington, Delaware address. This was the address Mike gave
14 to me. Once we have title in hand, then we will send it to you
15 at the 162 East 64th, New York, New York, 10065 address with
16 signature required on the FedEx. We will be on the lookout
17 tomorrow for the title. If we do not receive, then we will
18 apply for a duplicate. Best regards," and my signature.

19 Q. Mr. Bonsukan, what is a title as it's indicated here?

20 A. A title is a form given for a particular vehicle; basically
21 it's the ownership papers of that particular vehicle.

22 Q. And what, if anything, does Lamborghini Dallas do with a
23 title to a car when it sells a car?

24 A. We reassign the title to the new owner.

25 MS. MURRAY: Ms. Loftus, if we could take that down.

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Bonsukan - Direct

1 Let's go to page 9 actually of BR-460. We can zoom in
2 on the top half so it's a bit larger.

3 Q. Mr. Bonsukan, what is this document, which is part of the
4 Lamborghini Dallas records we've been looking at?

5 A. Shows register of directors for G Club International
6 Limited.

7 Q. And on this document, who is listed as the named director
8 of G Club International Limited?

9 A. It shows Haoran He.

10 Q. Looking to the right column, personal details, what was
11 Haoran He's place of birth?

12 A. China.

13 Q. And nationality?

14 A. British.

15 Q. And further right, on what date was Haoran He appointed
16 director of G Club International Limited?

17 A. October 16, 2020.

18 Q. Mr. Bonsukan, have you ever spoken with Haoran He?

19 A. No.

20 Q. Have you ever communicated with Haoran He?

21 A. No.

22 MS. MURRAY: Ms. Loftus, let's now go to page 12,
23 please.

24 Q. What is this, Mr. Bonsukan?

25 A. This looks like to be a British passport.

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Bonsukan - Direct

1 Q. For what individual?

2 A. For Haoran He.

3 MS. MURRAY: And let's go to page 18, please,
4 Ms. Loftus.

5 Q. Again, part of the business records relating to this sale,
6 what type of document is this, Mr. Bonsukan?

7 A. This is a shipment received from FedEx.

8 Q. And what information or what documents would have been
9 shipped using this shipping receipt in relation to the sale of
10 that Lamborghini?

11 A. The title to the vehicle, the Lamborghini Aventador, as
12 well as odometer statement, some of the other title documents
13 that's required to transfer.

14 Q. Now, the "shipping from" field here indicates a certain
15 company. Can you read what company that indicates?

16 A. Yes. Boardwalk Auto Group.

17 Q. What affiliation, if any, does Boardwalk Auto Group have
18 with Lamborghini Dallas?

19 A. Boardwalk Auto Group is our parent company. Under that
20 group we have a number of dealerships, Lamborghini Dallas is
21 one of them.

22 Q. Looking on the left, can you please read the "ship to"
23 information reflected on this FedEx receipt.

24 A. Ship to attention Max, G Club International.

25 Q. And the address?

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Bonsukan - Direct

1 A. 162 East 64th, New York, New York, 10065.

2 MS. MURRAY: And if we could zoom out a little bit,
3 Ms. Loftus, to see the ship date, please. Actually, the whole
4 center portion of this.

5 Q. What is the ship date of this FedEx package, Mr. Bonsukan?

6 A. October 27, 2021.

7 Q. And then looking at billing information here, can you read
8 what is reflected under "bill transportation to" on the bottom?

9 A. Bill transportation to: Lambo-340. Your reference number,
10 LC 732.

11 Q. And that reference number, have we seen that on other
12 documents we've been looking at today?

13 A. Yes.

14 Q. What information is reflected in that reference number as
15 it's relevant to the G Club Lamborghini?

16 A. That's the stock number of the Lamborghini Aventador sold
17 to G Club International.

18 MS. MURRAY: We can take that down, Ms. Loftus. Thank
19 you.

20 Q. Mr. Bonsukan, in your role at Lamborghini Dallas, after
21 you've confirmed a successful wire transfer or transfer of
22 money and receive requested documents, what, if anything, do
23 you do next?

24 A. I package everything up and send it to my accounting office
25 for processing of the title.

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Bonsukan - Direct

1 Q. And how, if at all, are the vehicles delivered to the
2 customers?

3 A. Excuse me?

4 Q. How, if at all, are the vehicles delivered to the
5 customers, the vehicles?

6 A. They are normally transported via vehicle transport.

7 Q. Does Lamborghini Dallas facilitate in the shipment of
8 vehicles to customers at times?

9 A. Yes.

10 MS. MURRAY: Ms. Loftus, if we could please show the
11 witness what's marked as Government Exhibit GC-504.

12 Q. Mr. Bonsukan, at a high level, what type of document is
13 this?

14 A. This is a dispatch sheet from -- for the carrier that
15 transported the Aventador.

16 Q. Is this the type of record that is maintained in the
17 ordinary course of business for Lamborghini Dallas?

18 A. Yes.

19 MS. MURRAY: Your Honor, the government offers
20 Government Exhibit GC-504.

21 THE COURT: It is admitted.

22 (Government's Exhibit GC-504 received in evidence)

23 MS. MURRAY: Thank you.

24 Can we please publish, Ms. Loftus. We could zoom in
25 on the top half, first going through order information.

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Bonsukan - Direct

1 Q. All right, Mr. Bonsukan. Looking on the right, what is the
2 business name that's listed there on the right?

3 A. Boardwalk Motor Sports LLC.

4 Q. And again, if you could just remind the jury the
5 affiliation between that company and your store, Lamborghini
6 Dallas?

7 A. When they created this account for central dispatch, it's
8 the parent company of Lamborghini Dallas.

9 Q. And looking on the left on carrier, what role, if any, does
10 the carrier have in the shipment of a vehicle?

11 A. That's the company that actually transported the vehicle.

12 Q. Under order information here, there's a dispatch date.
13 What is the dispatch date?

14 A. September 22nd, 2021.

15 Q. And the pickup estimate?

16 A. Pickup estimated date is September 25th, 2021.

17 Q. And what was the delivery estimate for this particular
18 shipment?

19 A. Delivery estimated, September 30th, 2021.

20 Q. Looking at the top there, order ID, can you read what the
21 order ID was for this shipment?

22 A. LC 732.

23 MS. MURRAY: Ms. Loftus, we can zoom out and then
24 focus on the next portion, please.

25 Q. Now, the vehicle information for this particular vehicle,

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Bonsukan - Cross

1 if you could read the year and the car type and model?

2 A. 2021 Lamborghini Aventador.

3 Q. And then looking on the right, delivery information, what
4 is the name for the recipient of that Lamborghini?

5 A. Max (G Club International).

6 Q. And to what address was that Lamborghini for G Club
7 International shipped?

8 A. 373 Taconic Road, Greenwich, Connecticut, 06831.

9 MS. MURRAY: May I have a minute, your Honor, please?

10 THE COURT: Yes.

11 (Counsel conferred)

12 Q. Mr. Bonsukan, do you know what G Club is?

13 A. No.

14 MS. MURRAY: Nothing further, your Honor.

15 THE COURT: Cross-examination.

16 CROSS-EXAMINATION

17 BY MS. SHROFF:

18 Q. How are you doing, Mr. Bonsukan?

19 A. Good.

20 Q. You work at Lamborghini Dallas; is that right?

21 A. I do.

22 Q. Okay. Sorry about that. I can't see you.

23 And you were the one in charge of this particular
24 sale; correct?

25 A. I helped facilitate the paperwork on the particular sale.

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Bonsukan - Cross

1 Q. Okay. Is it fair to say that you don't remember anybody
2 coming to like view the car, like you buy an average car,
3 right?

4 A. Yes.

5 Q. Nobody came to see it, right?

6 A. Not that I'm aware.

7 Q. Okay. And you said that, is it -- did I get it right that
8 Dallas Lamborghini sells about 35 of these cars a month?

9 A. Yes.

10 Q. Okay. And is it like an everyday car or is it like a
11 sporting car or a racing car?

12 A. It's, in the car world, called an exotic car. So there's
13 not very many made. Enthusiasts that love the brand buy the
14 car.

15 Q. Okay. And people generally buy the car because it could be
16 fun to ride in the car; is that right?

17 A. Yes.

18 MS. MURRAY: Objection.

19 THE COURT: Sustained.

20 Q. It's not an everyday-use car, right?

21 A. Not normally.

22 Q. Not normally. Okay.

23 And you've been doing this for 13 years; correct?

24 A. Yes.

25 Q. And this was one of many sales you made during the course

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Bonsukan - Cross

1 of your employment in Dallas; correct?

2 A. Yes.

3 Q. Okay. So let me just walk -- just ask you a couple of
4 questions about the documents that you were shown by Ms. Murray
5 over here, okay?

6 MS. SHROFF: If I could just have first CT-39, please.

7 Q. You recognize this car, right?

8 A. Yes, this is a Lamborghini Aventador.

9 Q. What does "Aventador" even mean, can you tell us?

10 A. Aventador is the name of a model of a particular
11 Lamborghini that was built. Normally they're named after a
12 bull or a famous bull or a bullfighter.

13 Q. Okay. And this is the car that you sold, right?

14 A. It appears to be, yes.

15 Q. Okay. Could you tell us please what is this wire thing
16 that comes out of the car for?

17 A. It's a battery tender. Basically, maintaining the battery
18 as it sits in a garage, so it's fresh whenever the client wants
19 to drive it the next time.

20 Q. So do you normally do this if you're using the car every
21 day or do you charge up a battery when the car is not used
22 frequently?

23 A. It varies. The car is -- even when it's off, the computer
24 systems are still working. So a lot of owners always want to
25 keep a fresh battery, so they plug it up.

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Bonsukan - Cross

1 Q. Okay. And you wouldn't -- you can't tell how often the car
2 is used; correct?

3 A. No.

4 Q. Okay.

5 MS. SHROFF: Could I have please -- I could have that
6 taken down. And if I could please have put up BR-460.

7 Q. And 460 is the document that you received from Ms. Murray
8 right here who did your direct testimony; correct?

9 A. Yes.

10 Q. Okay. And she asked you for documents and you sent them to
11 her; correct?

12 A. Correct.

13 Q. You've never spoken to me, right?

14 A. No.

15 Q. And you've never spoken to anybody else on the defense
16 table?

17 A. No. No, ma'am.

18 Q. Okay. And I never asked you for any documents; correct?

19 A. No.

20 MS. SHROFF: Okay. So let's look at the next
21 document. Could we look at CT-38.

22 Q. And all of the documents pertain to this car; correct?

23 A. Yes.

24 Q. And Ms. Murray asked you some questions about the type of
25 door that this car has, right?

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Bonsukan - Cross

1 A. Yes.

2 Q. And it's a scissor door; is that right?

3 A. Yes.

4 Q. Does that mean anything? I mean, it's just a door, right,
5 a straight door, a scissor door?

6 A. On a Lamborghini --

7 MS. MURRAY: Objection, your Honor.

8 A. On a Lamborghini, it is a particular characteristic of the
9 particular model, which would be the Aventador.

10 Q. It's just like a gimmick, right?

11 A. Not necessarily a gimmick. It's just a particular type of
12 door that they have.

13 Q. Okay. And on this car there is what is called a VIN
14 number, right?

15 A. Yes.

16 Q. And the VIN number is the vehicle identification number;
17 correct?

18 A. Yes, ma'am.

19 Q. And it's fair to say, right, every car has a VIN number?

20 A. Yes.

21 Q. A Subaru has a VIN number?

22 A. Yes.

23 Q. And Ford has a VIN number?

24 A. Yes.

25 Q. So as opposed to this fancy car, if I just went and bought

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Bonsukan - Cross

1 myself a regular old car, it would have a VIN number, right?

2 A. Yes, it would.

3 Q. Okay. So nothing special about the VIN number on this car?

4 A. No, just the identifying mark of that particular car.

5 Q. Okay. Great.

6 MS. SHROFF: So let's look at, please, 295, GC-295.

7 And if you could just scroll down.

8 Q. These are email exchanges you had about the sale of this
9 car; correct?

10 A. Are you still scrolling? It looks like from Max to a
11 number of people.

12 Q. Right. And you never -- you've testified you never spoke
13 to Max Krasner, right?

14 A. No, not -- not physically or -- it's just through email.

15 Q. Okay. And you just emailed back and forth because you
16 wanted the sale to go through; correct?

17 A. Yes.

18 Q. That's part of the reason you have a dealership, right, you
19 want to sell the car?

20 A. Yes.

21 Q. And there was nothing untoward about the sale of this car;
22 correct?

23 A. No.

24 Q. You had no red flags while you were selling this car;
25 correct?

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Bonsukan - Cross

1 A. No.

2 Q. Okay. You testified on direct testimony about an email
3 that said Proton; correct?

4 A. Yes.

5 Q. Okay. You get emails from gmail; correct?

6 A. Yes.

7 Q. Yahoo; correct?

8 A. Yes.

9 Q. Proton; correct?

10 A. Yes, sometimes.

11 Q. Okay. So it's just like an any old email address, right?

12 A. Yes.

13 Q. Okay. And you also testified, did you not, about a top
14 secret password; correct?

15 A. Yes.

16 Q. The top secret password was 123456; correct?

17 A. Yes.

18 MS. SHROFF: Okay. And if I could have that taken
19 down and please show 295. Would you scroll down. I'm sorry.

20 Q. And these emails go back and forth all through you -- all
21 through your dealership until September, right?

22 MS. MURRAY: Your Honor, objection. I think
23 Ms. Shroff is asking about a different document than the one
24 that's displayed for the jury right now.

25 MS. SHROFF: 460 is what I want, please.

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Bonsukan - Cross

1 THE COURT: Is this the correct document?

2 MS. MURRAY: It is, your Honor, pages 19 to 22.

3 BY MS. SHROFF:

4 Q. So let's start with page 19. You see that email that's
5 right there says: "Hi Max, we have -- "

6 MS. SHROFF: There you go. Thank you.

7 Q. "We have signed copies of the buyer's order." Correct?

8 A. Yes.

9 Q. Odometer and dealer reassignment form, right?

10 A. Yes.

11 Q. By the way, sitting here today, do you recall if this was a
12 used car that you were reselling?

13 A. It is a pre-owned vehicle.

14 Q. Right. So it's -- by "pre-owned," you mean it was used
15 before, right?

16 A. Yes.

17 Q. It's not a brand-new Lamborghini, right?

18 A. No.

19 Q. Okay. So this is a used car that is being resold to
20 somebody, right?

21 A. Yes.

22 Q. Okay. Sitting here today, do you know how old that car
23 was?

24 A. During that time?

25 Q. Yeah.

O5OVGU04

Bonsukan - Cross

1 A. In 2021? So it was a 2021 model for Lamborghini and we
2 sold it in 2021.

3 Q. Okay. So how many owners had there been before it, do you
4 know?

5 A. I'm not sure.

6 Q. Do you know if it was more than one?

7 A. Possibly.

8 Q. Okay. You don't really know, right? It could have been
9 one, two, three, you just don't know?

10 A. Correct.

11 Q. Okay. And sorry about that. And at this point in this
12 email chain, which is October 19 of 2021, right? Somebody is
13 giving you an address of where the -- do you read this email as
14 telling you where to send the paperwork or where to send the
15 car?

16 A. To send the title.

17 Q. To send the title, right?

18 A. Yes.

19 Q. Okay. And do you send the title to that address?

20 A. I don't. My title clerk does.

21 Q. Okay. And do you know what is located at 162 East 64th
22 Street?

23 A. No.

24 Q. Do you know what business is located there?

25 A. No.

O5OVGU04

Bonsukan - Cross

1 Q. Do you know who works there?

2 A. No.

3 Q. Have you ever heard of a person named Miles Guo? Have you
4 ever heard of a person named Miles Guo?

5 A. No.

6 Q. Okay.

7 MS. SHROFF: If we could just scroll down, please.

8 Q. And there is a conversation here about the passport;
9 correct?

10 A. Yes.

11 Q. And you get a copy of a passport, do you not?

12 A. Yes.

13 Q. And why do you need the passport, sir?

14 A. Gives identification of who the person that would be
15 signing off for the company when they buy a particular vehicle.

16 Q. Okay. And you got -- you got a copy of the passport;
17 correct?

18 A. Yes.

19 Q. And, of course, you did whatever you needed to do to verify
20 that that was a correct passport, right?

21 A. Yes.

22 Q. Okay. And then after that --

23 MS. SHROFF: If you could close that, please.

24 Q. You have an email that asks you if you can assist with
25 transport. And then they said that assistance for transport

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Bonsukan - Cross

1 can be provided; correct?

2 A. Yes.

3 Q. Okay. And when you're transporting the car, you would only
4 transport the car out of your dealership after the things on
5 your checklist have been met; correct?

6 A. Yes.

7 Q. You want to make sure title passes correctly, right?

8 A. Yes.

9 Q. Registration, right?

10 A. Yes. We don't do the registration on a cash deal, but we
11 make sure that the title is signed over to the correct buyer.

12 Q. Okay. And you also want to make sure that the buyer has a
13 driver's license, right?

14 A. Not necessarily a driver's license, just identification.

15 Q. Okay. So you want to make sure that the person is properly
16 identified, right?

17 A. Yes.

18 Q. And you did that; correct?

19 A. Yes.

20 Q. Okay. And after you took all of those steps, you were
21 going to ship the car out to whatever address they told you,
22 right?

23 A. Yes.

24 Q. Sitting here today, do you recall if the car was originally
25 supposed to go to a different address?

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Bonsukan - Cross

1 A. No.

2 Q. You don't recall?

3 A. I don't recall, no.

4 Q. Okay. And is it fair to say that where a car goes also
5 determines the cost of the insurance of a car?

6 A. Well, the shipping carrier -- when we set up shipping for
7 our client, we want to make sure that the shipping carrier, A,
8 might be familiar with the vehicle in transporting a vehicle of
9 this amount; and making sure that we have ample insurance to
10 cover if something were to happen during transport for a
11 client.

12 Q. Right. But that is the insurance on the transport part of
13 the car, right?

14 A. Correct.

15 Q. Would you agree with me, as a person who's been in the car
16 business for 13 years, that each state has a certain cost for
17 maintaining insurance on the car?

18 A. I'm vaguely familiar.

19 Q. Some states are more expensive than others; correct?

20 A. Probably, yeah.

21 Q. Insurance depends on whether the car is placed in a garage
22 or parked on the street; correct?

23 MS. MURRAY: Objection, your Honor.

24 THE COURT: Sustained.

25 The witness has said that he is vaguely familiar.

O5OVGU04

Bonsukan - Cross

1 MS. SHROFF: He might know the answer, your Honor.

2 THE COURT: With that understanding, he can answer.

3 Q. Do you know if insurance rates differ state to state?

4 A. No.

5 Q. Do you know if insurance is higher if you park the car on a
6 street versus if you park the car in the garage?

7 A. It depends on the insurance company.

8 Q. Okay. Fair enough.

9 MS. SHROFF: Could I have number 504, please. It's
10 okay, actually.

11 Q. When you were getting ready to ship the car, you were given
12 an address; correct?

13 A. I wasn't given the address. I have a sales assistant that
14 actually does our transportation for us that works with the
15 dealership.

16 Q. Okay. So once you finish of the sale of the car, somebody
17 else takes over to make sure the car gets to where it's
18 supposed to get, right?

19 A. Yes. Normally, the salesperson and our sales assistant.

20 Q. And would you know what is the markup on a used car?

21 A. The markup on a used car?

22 Q. Yes, sir.

23 A. It could vary.

24 Q. Do you know how much the markup on this car was?

25 A. In that particular instance, a Lamborghini Aventador,

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Bonsukan - Cross

1 brand-new 2021 model would be, MSRP - manufacturer's suggested
2 retail price - at \$650,000.

3 Q. Okay. And you don't know how long this car was sitting on
4 the parking lot before it was brought out, right?

5 A. Not -- no, not in particular. I could find out, but no.
6 Not long.

7 Q. When you were interacting with this person named Max,
8 correct, he was telling you or at least somebody in your office
9 where the car was going to go; correct?

10 A. Yes.

11 Q. And Max you understood was part of G Clubs; correct?

12 A. Yes.

13 Q. And he represented G Clubs' interest to you when he was
14 emailing with you; correct?

15 A. Yes.

16 Q. And Max Krasner from the emails, you can conclude, knew
17 that the car was going to go to Connecticut; correct?

18 A. Yes.

19 MS. SHROFF: Okay. Could I have one moment, your
20 Honor?

21 THE COURT: Yes.

22 (Counsel conferred)

23 Q. Who did you talk to when trying to figure out the final
24 price sale of the car?

25 A. I didn't speak with anyone.

05OVGU04

Bonsukan - Redirect

1 Q. I'm sorry, I cut you off.

2 A. Normally, the salesperson negotiates the price with the
3 particular client.

4 Q. So you have no idea how many times Max Krasner talked to
5 the salesperson and went back and forth before arriving at the
6 final purchase price?

7 A. No.

8 Q. You do not know how long those negotiations lasted;
9 correct?

10 A. No.

11 Q. And do you know if Mr. Krasner or anyone else from G Clubs
12 did an inspection of the car before it was shipped?

13 A. I don't recall. It could be possible.

14 MS. SHROFF: I have nothing further, your Honor.

15 Thank you.

16 THE COURT: Redirect.

17 MS. MURRAY: Yes, your Honor. Briefly.

18 REDIRECT EXAMINATION

19 BY MS. MURRAY:

20 Q. Mr. Bonsukan, you were just asked some questions about how
21 long that Lamborghini that we've been talking about was on the
22 lot. Do you recall those?

23 A. Yes.

24 Q. And you indicated it was not long; is that correct?

25 A. Yes.

05OVGU04

Bonsukan - Redirect

1 Q. What do you recall about the volume of sales that
2 Lamborghini Dallas was doing during this time period, fall of
3 2021?

4 A. Fall of 2021, obviously in the COVID times, vehicle sales
5 were -- on a naturally aspirated engine, which would be this
6 Aventador, were going like crazy because Lamborghini announced
7 that they were going to start doing hybrid engines on their
8 vehicles. So collectors and people that loved this car would
9 try buying it, even if they're buying it for more than what the
10 original MSRP is.

11 Q. And you mentioned that the MSRP on this car was
12 approximately what?

13 A. Approximately 650,000.

14 MS. MURRAY: And Ms. Loftus, if we could pull up,
15 please, Government Exhibit BR-460 at page 2.

16 Q. And focusing on the final sale price of this car here, what
17 was the final sale price of this particular car, this used car?

18 A. The unpaid balance is \$832,000.75.

19 Q. That's nearly \$200,000 more than the manufacturer's
20 suggested retail price; is that correct?

21 A. Yes.

22 Q. And this was a used car, but it was the same year as it was
23 ultimately sold to G Clubs, right?

24 A. Yes.

25 MS. MURRAY: Ms. Loftus, if we could zoom out on this

1 and go to the left and look at the mileage listed for this
2 particular car. It's on the top left description of sale unit.

3 Q. Mr. Bonsukan, how many miles were on this car when it was
4 sold to G Club International?

5 A. 317 Miles.

6 MS. MURRAY: All right, Ms. Loftus. We can zoom out
7 of that and go to the top again to the seller and the buyer
8 names listed.

9 Q. Now, Mr. Bonsukan, you testified on cross-examination that
10 you didn't know a person named Miles Guo; is that right?

11 A. Yes.

12 Q. Do you know what the "G" in G Club International Limited
13 stands for?

14 A. No.

15 MS. MURRAY: Just a moment please, your Honor.

16 (Counsel conferred)

17 MS. MURRAY: Nothing further.

18 THE COURT: Recross.

19 MS. SHROFF: Yes, your Honor.

20 Could you just leave that exhibit. Thank you.

21 RECROSS EXAMINATION

22 BY MS. SHROFF:

23 Q. The Lamborghini that was sold, the red Lamborghini, right?

24 A. Yes.

25 Q. That was almost a collector's car; correct?

05OVGU04

Bonsukan - Recross

1 A. Yes, could be.

2 Q. It was actually an investment; correct?

3 MS. MURRAY: Objection, your Honor.

4 MS. SHROFF: She brought it out.

5 THE COURT: Sustained.

6 Q. The price was higher than a brand-new car, right? You
7 testified for Ms. Murray about that, right?

8 A. Yes.

9 Q. And why was that?

10 A. Why is the price higher? Because it's a popular vehicle in
11 terms of the Lamborghini world, when a lot of people were
12 trying to buy these cars.

13 Q. And they were going to change the model; correct? You
14 testified to it on direct, something about it going hybrid;
15 correct?

16 A. Yes, eventually.

17 Q. Right. And the model G Clubs bought would only go up in
18 value because they were going to stop making those Lamborghinis
19 that way; correct?

20 MS. MURRAY: Objection, your Honor.

21 THE COURT: You may answer.

22 A. Possibly.

23 Q. Well, you testified on direct that if the price was going
24 to go up, people were going crazy, they wanted to keep that
25 model, right?

O5OVGU04

Bonsukan - Recross

1 A. It would be a risk, yeah, possibility where it could go up.
2 But it also could go down.

3 Q. Right. But that is why people were buying it, right?

4 A. Yes.

5 Q. You testified that they were literally hot off the parking
6 lot because everybody thought this would be a collector's
7 model, right?

8 MS. MURRAY: Objection, your Honor.

9 THE COURT: That's a mischaracterization of his
10 testimony. Sustained.

11 Q. People were buying it during the pandemic nonstop; correct?

12 MS. MURRAY: Objection, your Honor.

13 THE COURT: Sustained.

14 Q. Did the sales go up during the pandemic?

15 A. Sales did go up, yes.

16 Q. Of that red model, right?

17 A. Amongst a lot of other models as well.

18 Q. Right. But the red model was included in the one where the
19 sales are going up, right?

20 A. That's correct. It's a rare car of Lamborghini.

21 Q. Exactly. Thank you.

22 MS. SHROFF: Could I just have this exhibit made
23 bigger.

24 Q. And you see on the left-hand side where the description of
25 the sale unit is listed?

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Bonsukan - Recross

1 A. Yes.

2 Q. And it says used; correct?

3 A. Yes.

4 Q. Okay. And when you go down, if you read further down on
5 this document, right?

6 A. Yes.

7 Q. Okay. The salesperson's name is Mr. Durkey. And that's
8 the person on the email chain that Ms. Murray had you read
9 about; correct?

10 A. Correct. Yes.

11 Q. And he's the person who finalized the sale, right?

12 A. He would be the one point of contact of negotiating with
13 the customer.

14 MS. SHROFF: Okay. And if I could just have that
15 shrunk and the next page of the document shown, please.

16 Q. And this page shows you just an average sale of a car no
17 different --

18 MS. MURRAY: Objection, your Honor. Scope.

19 THE COURT: Sustained.

20 Q. The car that was driven off the lot was insured, right?

21 A. Probably, yeah.

22 Q. Okay. And it was dropped off in Connecticut; correct?

23 MS. MURRAY: Objection.

24 THE COURT: Sustained.

25 MS. SHROFF: I'm done, your Honor. Thank you.

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1 THE COURT: Thank you, sir. You may step out.

2 THE WITNESS: Thank you, your Honor.

3 (Witness excused)

4 THE COURT: Is that the last witness for today?

5 MS. MURRAY: We have another witness ready, your
6 Honor. But given the time, we defer to the Court whether you'd
7 like us to start a few minutes or whether we should stop for
8 today.

9 THE COURT: All right. I think we should stop for
10 today. You may step out.

11 One moment.

12 Members of the jury, we have finished our work for
13 today. Monday is Memorial Day, and so you're going to be
14 returning to court according to the instructions that have been
15 given to you so that you'll be able to walk into the courtroom
16 at 9:30 sharp. It's very, very important that you follow those
17 instructions closely and that you get here on time.

18 Remember that you're not allowed to discuss the case
19 amongst yourselves. Don't permit anyone to discuss the case in
20 your presence. It's always tempting, once you start to hear
21 witness testimony, to want to discuss the case, but that is
22 absolutely prohibited.

23 I wish you a wonderful long weekend, and I look
24 forward to seeing you on Tuesday.

25 (Jury not present)

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1 THE COURT: Please be seated.

2 I'm going to ask that Alternate No. 5 be brought in.

3 Is there anything that the parties wanted to raise?

4 MS. SHROFF: No, your Honor.

5 MS. MURRAY: No, your Honor.

6 (Juror present)

7 THE COURT: Hi. You're Alternate No. 5, right?

8 JUROR: I am. Yes.

9 THE COURT: I received a note from you and you raised
10 certain concerns. But now with the understanding of the
11 transportation arrangements, my sense is that your schedule can
12 work with the second option that was discussed; is that
13 correct?

14 JUROR: Correct. Up until the point of where my child
15 is finished school June 18th.

16 THE COURT: And then?

17 JUROR: The summer plans will now have to be changed
18 in order for me to continue to be a juror.

19 THE COURT: And so that you can do that, you can make
20 those changes?

21 JUROR: I haven't even begun to figure out what that
22 would entail.

23 THE COURT: Well, I ask that you work on that and that
24 you return on Tuesday. Thank you.

25 JUROR: Thank you.

O5OVGU04

1 (Juror not present)

2 THE COURT: All right. If there's nothing further,
3 then I wish everyone a good holiday weekend.

4 MS. MURRAY: Thank you, your Honor. You as well.

5 (Adjourned to May 28, 2024 at 9:30 a.m.)

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GOVERNMENT EXHIBITS

1	GOVERNMENT EXHIBITS	
2	Exhibit No.	Received
3	CT-20 through CT-30, CT-35 through 72,62
4	CT-74 through 105, CT-101	
5	through 129, CT-157 through	
6	187, CT-190 through 202,	
7	CT-204 through 207	
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